

10 DECEMBER 1947

I N D E X
Of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
NAGAI, Mikizo	34939
Direct by Mr. Caudle	34939
(Witness excused)	34946
SAITO, Yoshie (recalled)	34951
Direct by Mr. Caudle	34951
<u>MORNING RECESS</u>	34972
Direct (cont'd) by Mr. Caudle	34974
Cross by Mr. Sandusky	34977
(Witness excused)	34986
UNO, Masuko	34988
Direct by Mr. Caudle	34988
<u>NOON RECESS</u>	34989
Direct (cont'd) by Mr. Caudle	34990
Cross by Mr. Sandusky	34997
(Witness excused)	34999
MISHIMA, Yasuo	35000
Direct by Mr. Caudle	35000
(Witness excused)	35012

10 DECEMBER 1947

I N D E X
Of
WITNESSES
(cont'd)

Defense' Witnesses

Page

ARIMA, Yoriyasu

35019

Direct by Mr. Caudle

35019

Cross by Mr. Sandusky

35024

AFTERNOON RECESS

35025

(Witness excused)

35026

SHIRATORI, Toshio, (an Accused)

35027

Direct by Mr. Caudle

35027

Cross by Mr. Sandusky

35055

10 DECEMBER 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2880	3587		Affidavit of NAGAI, Mikizo		34939
332	3588		Affidavit of SAITO, Yoshie		34956
2694	3589		Affidavit of SAITO, Yoshie		34956
2716	3590		Affidavit of UNO, Masuko		34994
	3591		Book entitled "Contribution Accounts-Book for the Japan Foreign Affairs Association" re pay- ment for articles con- tributed to the magazine on Contemporary Japan, written in Japanese		34995
1717	3592		Affidavit of MISHIMA, Yasuo		35001
319	3593		Affidavit of MURMATSU, Tsuneo		35013
2717	3594		Affidavit of ARIMA, Yoriyasu		35020
2878	3595		Affidavit of SHIRATORI, Toshio		35027

Wednesday, 10 December 1947

- - -

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE SIR WILLIAM F.
WEBB, Member from the Commonwealth of Australia, not
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

W
o
l
f
&
I
e
f
f
e
r

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All of the accused are
4 present except MATSUI, who is represented by counsel.
5 We have a certificate from the prison surgeon at
6 Sugamo, certifying that he is ill and unable to
7 attend the trial today. The certificate will be
8 recorded and filed.

9 Mr. Caudle.

10 MR. CAUDLE: I shall proceed from the point
11 where we stopped for adjournment yesterday.

12 The prosecution insisted that SHIRATORI and
13 OSHIMA advocated an all-out military alliance with-
14 out reservations and that they endeavored to impose
15 their convictions upon the Japanese Government and
16 to influence and direct Japanese policy with regard
17 thereto, record page 16,914. The prosecution further
18 insisted that SHIRATORI and OSHIMA refused to follow
19 the advice of the ITO Mission and to communicate the
20 compromise proposal of the Japanese Government through
21 official channels and that they threatened to cause
22 the fall of the cabinet by resigning from their posts
23 unless the government reconsidered its stand, record
24 page 16,915, exhibit No. 499, page of record 6,096.

25 In order to contradict such an insistence of

1 the prosecution, I will read several paragraphs not
2 read by the prosecution, namely, the last paragraph
3 on page 23 and the first three paragraphs on page
4 24 of exhibit No. 2234, IPS document No. 1616. This
5 is a part of the lecture given by SHIRATORI at the
6 Imperial University Alumni Association in February,
7 1940, after he returned from Italy to Japan. The
8 purpose is to show what SHIRATORI really expected
9 would be accomplished if the Pact had been made
10 and what he thought Japan's obligations would have
11 been under the Pact.

12 I will now read those sections herein
13 above referred to, the same being the last paragraph
14 on page 23 and the first three paragraphs on page 24
15 of exhibit No. 2234:

16 "There are some people who state that if
17 the Japan-Germany-Italy Alliance had been formed,
18 would not Japan have been involved in the war in
19 Europe? It is lucky that the alliance had not been
20 formed, for the bare thought makes them shudder.
21 However, I think that this is fundamentally a mis-
22 conception. If the Japan-Germany-Italy Alliance had
23 taken shape, the current war might not have broken
24 out. Great Britain and France would have made a
25 gradual diplomatic retreat and thus enabled Japan in

1 China and Germany and Italy in Europe to solve their
2 pending questions in a peaceful manner. Germany and
3 Italy have said from the beginning that the real aim
4 of this treaty was for peace and that since Japan,
5 Germany, and Italy are originally destined to share
6 the same fate, they would be beaten, if divided, but
7 could never be beaten if they were united. They
8 further said that since the alliance was of a
9 spiritual nature, and that although it shouldn't be
10 said which nation will benefit mostly by it, it is
11 necessary to display to the public the real effect
12 of the Alliance, and so they would begin by assisting
13 Japan now actually fighting in China so as to bring
14 the China Incident to a speedy conclusion. They said
15 that with this shall they demonstrate the true value
16 and power of the Alliance to the general public.

17 "I believe, therefore, that had the Japan-
18 Germany-Italy Alliance been realized by about April
19 this year, the results would have been very favour-
20 able to Japan. Of course, such as the Nomonhan
21 Incident would not have taken place, nor could have
22 Great Britain assumed a bold front concerning the
23 Danzig problem.

24 "Even if Germany should attempt a speedy
25 solution of her problems in Europe, and should she

1 go to war against Great Britain and France, it would
2 have been possible for Japan to obtain Germany's
3 consent to her neutrality, in case her immediate
4 entry into the current war was inconvenient. It
5 had been arranged that in the event a Triple Alliance
6 is formed, the Foreign Ministers of the three powers
7 would simultaneously meet together to discuss the
8 diplomatic politics of the three powers. Probably,
9 on that occasion, they would have discussed the
10 U.S.S.R., China, Danzig and Poland problems, and
11 Japan could have had a great voice in connection
12 with the German and Italian diplomatic politics.
13 Should they undertake to war against Great Britain
14 and France, Japan could have declared that she could
15 not offer efficient support soon after the China
16 Incident, and that they can go ahead with it if they
17 are confident of it. There are examples of Italy
18 maintaining neutrality at present in spite of her
19 military alliance with Germany. I believe that it
20 cannot always be said that if the Japan-Germany-
21 Ital. Alliance had been formed, Japan must have
22 entered into the war, whether she had been willing
23 or not.

24 "More than that, it should be more probable
25 that, as previously stated, if the Triple Alliance

1 had been formed, the war between Germany and Great
2 Britain and France would not have broken out at that
3 time. Germany and Italy still have much to prepare
4 for from diplomatic, economic, financial, and
5 military points of view. In the first place, since
6 it was necessary for Japan to have some rest after
7 settling the China Incident, the war would have been
8 postponed as much as possible. The various powers
9 would have decided upon war after complete military
10 armaments had been provided and after diplomatic
11 relations have been bettered. I am inclined to say
12 that it is an unfounded opinion to state that if the
13 Triple Alliance had been formed, we would have been
14 compelled to fight Great Britain and France amidst
15 all the difficulties now confronting us."

16 For the purpose of showing SHIRATORI's
17 attitude in this regard, I next call the witness
18 NAGAI, Mikizo.
19
20
21
22
23
24
25

1 MIKIZO NAGAI, called as witness on behalf
2 of the defense, being first duly sworn, testified
3 through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. CAUDLE:

6 Q Please state your name and address.

7 A My name is NAGAI, Mikizo. My address is
8 132 Zoshigayacho, Bunkyo, Tokyo.

9 MR. CAUDLE: May the witness be shown defense
10 document No. 2880?

11 (Whereupon, a document was handed
12 to the witness.)

13 Q Please examine that document and tell us
14 whether or not it is your sworn affidavit.

15 A This is my affidavit.

16 Q Are the contents of it correct and true?

17 A Yes.

18 MR. CAUDLE: I offer in evidence defense
19 document No. 2880.

20 ACTING PRESIDENT: It will be received in
21 evidence.

22 CLERK OF THE COURT: Defense document No.
23 2880 will receive exhibit No. 3587.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

NAGAI

DIRECT

34,940

No. 3587 and received in evidence.)

1 MR. CAUDLE: I will now read that document:

2 "Sworn Deposition

3 "Deponent: NAGAI, Mikizo

4 "I, NAGAI, Mikizo, being first duly sworn,
5 according to the customary formality in this country,
6 depose and state:

7
8 "1. I graduated from the Kyoto Imperial
9 University in March, 1931, and entered the diplomatic
10 service in March of the following year. I am now
11 Chief of the Economic Section of the General Affairs
12 Bureau of the Foreign Office. I served in the Japa-
13 nese Embassy in Italy as a Junior Secretary from
14 October, 1937, to July, 1939. When Ambassador
15 SHIRATORI arrived at his post in Rome at the end of
16 1938, I was put in charge of matters pertaining to
17 etiquette and archives and also became the private
18 secretary of the Ambassador.

19 "2. Up until that time the Embassy in Rome
20 was not in receipt of any official communication from
21 any quarters concerning the Japanese-German-Italian
22 Treaty then being mooted in Berlin, although the
23 late Mr. SAKAMOTO, then Charge D'Affaires, was said
24 to have privately acquired some knowledge about the
25 matter from the Military and Naval Attaches. I was

1 told that Ambassador SHIRATORI had not brought with
2 him any written instructions of the Tokyo Government.
3 I remember the Ambassador saying that the whole
4 affair had now become clear to him as a result of
5 the detailed account given him by both Mr. SAKAMOTO
6 and the attaches.

7 "3. During the whole period of my service
8 under Ambassador SHIRATORI, it was his practice to
9 dictate to me his cables to Tokyo on the subject of
10 the Tripartite Treaty. Councillor SAKAMOTO,
11 secretaries MIHARA and KABAYAMA were generally pre-
12 sent on such occasions, besides the Military and
13 Naval Attaches, who were also allowed now and then
14 to attend and listen.

15 "4. Around the 6th of January, 1939, to
16 the best of my memory, Ambassador SHIRATORI paid his
17 respects to Premier Mussolini and was drawn into
18 quite a conversation with him. After the interview,
19 he told us members of the Embassy above enumerated
20 that he was surprised to know that Mussolini was all
21 for the proposed treaty, going so far as to expect
22 its consummation within a few weeks. He told us
23 further that inasmuch as a final decision in this
24 matter had first to be made by our own Government,
25 he tried somewhat to dampen Mussolini's zeal. I

1 recollect that a cable containing the gist of this
2 interview and urging upon the Government the necessity
3 of a speedy decision was dispatched to the Foreign
4 Minister.

5 "5. When the ITO Mission arrived in Rome,
6 the instructions of the Government which they had
7 brought with them were not shown or discussed there,
8 it being understood that a full explanation about
9 them would be given in Berlin. Ambassador SHIRATORI,
10 Councillor SAKAMOTO and myself therefore accompanied
11 the ITO Mission to the German capital. It was said
12 that there was nothing to be called in question in
13 so far as concerned the draft text and protocols of
14 the proposed treaty, as contained in the instruc-
15 tions from Tokyo, but that it was proposed to
16 attach to it two reservations which would place very
17 substantial limitations to the scope of the treaty.
18 Ambassador SHIRATORI expressed the view that not
19 only was there no prospect for such reservations
20 ever to be entertained by the German and Italian
21 Governments, but it would be a disgrace to Japanese
22 diplomacy to leave on record a proposal which clearly
23 amounted to taking back with the left hand that which
24 was offered with the right. A telegram in that sense
25 was, so far as I recollect, sent home in his name

while he was in Berlin.

1 "6. Since his arrival in Rome, Ambassador
2 SHIRATORI seemed to pay serious attention to the
3 general European situation, particularly to the
4 German-Soviet and Italian-Soviet relations. He
5 frequently expressed to the members of his staff
6 the view that it was a mistake to presume, as was
7 almost a commonplace in Japan about that time, that
8 Germany and Italy and Soviet Russia were irreconcil-
9 able. He said that the relations between Italy and
10 Russia were not at all bad and that, moreover, it
11 was quite significant that the Nazi leaders had
12 suddenly stopped abusing Soviet Russia. In his
13 estimate of the general situation, it was not im-
14 possible that an understanding of some sort should
15 be reached between the U.S.S.R. and the Axis powers.
16 It was his contention that Japan should be on her
17 guard against the contingency of Nazi Germany
18 adopting Kaiser Wilhelm II's policy of pushing
19 Russia on to the Far East by guaranteeing her wes-
20 tern borders. I recollect that the Ambassador cabled
21 such opinion to Tokyo more than once.

22 "7. In regard to the proposed treaty with
23 Germany and Italy, Ambassador SHIRATORI used to say
24 that this treaty should be considered as a means in
25

NAGAI

DIRECT

34,944

1 diplomatic manoeuvres; in other words, that it
2 should be viewed in the light of the effect that a
3 rapprochement between Japan and the Axis would have
4 on the United States and Great Britain. It was his
5 opinion that while the Chinese problem was difficult
6 of solution without the good office of America and
7 England, it was necessary for us, as diplomatic
8 tactics, to show a gesture of friendship with the
9 Axis in order to make them slacken their pressure
10 upon Japan.

11 "8. So far as I could perceive on the spot,
12 there did not exist any close contact between Amba-
13 sador SHIRATORI and the Italian authorities. The
14 Italian Government practically left to Berlin the
15 matter of the Tripartite Treaty, and to the best of
16 my knowledge, there was not much in the way of ex-
17 change of views or negotiation between the Ambassador
18 and either Mussolini or Ciano. We were informed by
19 Mr. SHIRATORI at one time that Count Ciano had told
20 him with cynicism that the whole question was in the
21 'able' hands of the German Foreign Minister. Such
22 being the case, the negotiations were carried on
23 almost exclusively in Berlin and the part that
24 Ambassador SHIRATORI played was confined mainly to
25 making suggestions or advanceing views to the Foreign

Ministry in Tokyo.

1 "Having received a telegram of recall, I
2 was relieved of my duties in the Embassy late in
3 June, 1939, which were transmitted to a successor.
4 I remember that until that time the Tripartite
5 negotiation had been confined exclusively to ex-
6 changing arguments concerning the Japanese reser-
7 vations. I know of my own knowledge that the Am-
8 bassador had little contact with the Italian side
9 in other respects also; that he had made few, if
10 any, acquaintances in the political and social
11 circles in Rome, and that, above all, he did not have
12 any intercourse with the leaders of the Fascist Party
13 and of the Italian Army and Navy.
14

15 "9. It seemed that Ambassador SHIRATORI
16 was on very intimate terms with Foreign Minister
17 ARITA and he therefore always expressed his views
18 to the latter without mincing his words. While it
19 might be said that some of his telegrams contained
20 rather strong expressions, yet to the best of my
21 knowledge and recollection, the Ambassador never
22 threatened the Foreign Minister with resignation.
23

24 "This 17th day of November, 1947, at
25 Tokyo, Japan."

Signed, "NAGAI, Mikizo (seal)"

1 MR. SANDUSKY: May it please the Tribunal,
2 there will be no cross-examination.

3 MR. CAUDLE: I ask that the witness be re-
4 leased on the usual terms.

5 ACTING PRESIDENT: He may be so released.

6 (Whereupon, the witness was ex-
7 cused.)

8 - - -

9 MR. CAUDLE: The prosecution further in-
10 sisted: "In April the Japanese Government recon-
11 sidered its stand and presented a new draft of the
12 treaty in connection with which it requested an
13 agreement that in the publication of the Pact an
14 explanation be made which would tend to soften the
15 attitude that would likely result on the part of
16 England, France and America. . . SHIRATORI and
17 OSHIMA again refused to communicate officially the
18 Japanese Government's proposal to the nations to
19 which they were accredited," record pages 16,915 to
20 -916; see also exhibit No. 502, page 6,100 of the
21 record.

22
23 In order to show that SHIRATORI, contrary
24 to the prosecution's insistence, communicated the
25 Japanese Government's proposal to the Italian Foreign
Minister, I now read the entry for 2 April 1939 of

Ciano's Diary.

I will now offer in evidence defense document 556 before reading.

ACTING PRESIDENT: It will be admitted in evidence.

MR. CAUDLE: I believe it has already been received in evidence. It is the rear sheet of a document which, to make it in proper order, I tore out and placed it farther down the list. It is exhibit No. 3583. I am sorry.

This is an excerpt from the Ciano's Diary under date of April 2, 1939. I now read the last paragraph, page 5 of the aforesaid exhibit:

"I receive von Mackensen, whom I tell about in the Duce's letter answering Chamberlain. I received also SHIRATORI, who brings the Japanese answer on the Tripartite Alliance; on the whole it is favorable. However, they make two reservations: 1) that London, Paris and Washington be informed that in Japan's view the alliance is directed against Moscow; 2) that a declaration be added that in case of war in Europe, Japanese aid would be limited. Nothing against the second; with respect to the first, on the other hand, it seems to me necessary to make very clear what actual meaning the reservation

1 is intended to have; this might alter the real
2 value of the Pact itself."

3 In the order of proof, the next document
4 refers to defense document 1929. It should refer
5 to exhibit No. 1113. I ask that that be changed.

6 The prosecution insisted further: "He
7 (SHIRATORI) held the post of adviser until the 22nd
8 of July, 1941, when he resigned owing to ill health.
9 It is exhibit No. 1113, record pages 16,918 and -19.

10 In order to further substantiate the ill-
11 ness of the accused SHIRATORI, as stated above, I
12 should like to read certain parts of prosecution
13 exhibit 1113 which were not read by the prosecution.
14 This exhibit is a telegram sent by Ott to Ribben-
15 trop under date of 7 July 1941, and I quote:

16 "Had the opportunity to talk personally to
17 SHIRATORI in a spa, where he is living on account of
18 illness. At this occasion he amplified as follows
19 to news regarding his illness already conveyed to me
20 and the Italian Ambassador from his intimate circle:
21 Since the end of April he is suffering from kidney
22 trouble and was in danger of his life for weeks.
23 Recently there had been an improvement, to that the
24 doctor hopes for recovery until fall. He has had
25 to abstain from all political work and today, with

1 me, has had his first talk outside of his closest
2 circle. SHIRATORI made the impression of needing
3 rest and being mentally tired; he visibly suffered
4 from a difficulty at walking, and also complained
5 of it."

6 The remaining part was read by the prose-
7 cution, record pages 10,157 and -58.

8 Further, I desire to advise that the same
9 will be covered in the testimony of the witness
10 SAITO, Yoshie, who is to testify later.

11 Items 43 through 47 have been deleted.

12 I next rely on exhibit No. 3575, defense
13 document No. 62, to show that SHIRATORI was ordered
14 to return home 2 September 1939; that he departed
15 from Rome 15 September and arrived at Tokyo 13
16 October 1939; that he was released from service in
17 Italy and was placed on the waiting list 9 January
18 1940; that he was appointed as Adviser to the
19 Foreign Ministry 28 August 1940; that he was re-
20 leased from advisership to the Foreign Ministry 22
21 July 1941; that he was elected as a member of Parli-
22 ament 30 April 1942; that he was appointed as a
23 member of the Board of Directors of the Imperial
24 Rule Assistance Political Society 20 May 1942; that
25 he seceded from the above society 28 June 1943; and

1 that he resigned membership of Parliament 5 December
2 1945.

3 I next call the witness SAITO, Yoshie, in
4 order to show that SHIRATORI had nothing to do with
5 the diplomatic activities of the Tripartite Pact of
6 27 September 1940; that the contents of certain
7 telegrams sent by Ambassador Ott are not true and
8 correct; and that the statement contained in
9 exhibit No. 3145-A, that "On 5 September, 1940, a
10 plan was drafted by Vice Foreign Minister OHASHI,
11 the advisors SHIRATORI and SAITO, and presented by
12 Foreign Minister MATSUOKA to the Four Minister
13 Conference for consideration," which appears at
14 record page 27,986, is not true and correct.
15
16
17
18
19
20
21
22
23
24
25

SAITO

DIRECT

34,951

1 Y O S H I E S A I T O, recalled as witness on
2 behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. CAUDLE:

7 Q Will you please state your name and address.

8 A My name is SAITO, Yoshie. My address is
9 42 Shoto, Shibuya-ku, Tokyo.

10 ACTING PRESIDENT: You are warned that you
11 are still under your former oath.

12 MR. CAUDLE: May the witness be shown
13 defense document No. 332 and 2694.

14 (Whereupon, two documents were handed
15 to the witness.)

16 Q Are those your affidavits and will you --

17 A Yes.

18 Q Are their contents true and correct?

19 A Yes.

20 MR. CAUDLE: I offer in evidence defense
21 documents 332 and 2694.

22 MR. SANDUSKY: Mr. President.

23 ACTING PRESIDENT: Mr. Sandusky.

24 MR. SANDUSKY: With respect to defense
25 document 332, the prosecution objects to that part

SAITO

DIRECT

34,952

1 on page 4 of section 8, about the fifth line from
2 the bottom, which begins with the words, "To the
3 best of my knowledge," and ends with the second line
4 on page 5, the ground of objection being that this
5 material contains conclusions and opinions beyond
6 the competency of the witness.

7 MR. CAUDLE: Your Honor, I state that Mr.
8 SAITO has long been a close personal friend of Mr.
9 SHIRATORI, and when he was ill, kept in close
10 personal contact with his condition, and he had
11 every reason and every circumstance under which to
12 formulate, if not an opinion -- to know what his
13 condition was during the period covered in this item
14 referred to by Mr. Sandusky.

15 It, further, certainly has some probative
16 value.

17 ACTING PRESIDENT: By a majority, the ob-
18 jection is sustained.

19 MR. SANDUSKY: Mr. President, with respect
20 to defense document 2694, which has also been tendered,
21 objection is made to section 4 on page 2 of the
22 document. The first of this section is nothing more
23 than a comment on two documents already in evidence,
24 which must speak for themselves, and the last
25 sentence of that section, beginning with the words.

19 ACTING PRESIDENT: By a majority, the ob-
20 jection is sustained.
21 MR. SANDUSKY: Mr. President, with respect
22 to defense document 2694, which has also been tendered,
23 objection is made to section 4 on page 2 of the
24 document. The first of this section is nothing more
25 than a comment on two documents already in evidence,
which must speak for themselves, and the last
sentence of that section, beginning with the words,

3 the record.
4 MR. CAUDLE: 1.
5 Honor, I didn't want to pre-
6 I'd like to paint the whole picture w-
7 doing it. It won't take me just a minute, and
8 certainly haven't indulged myself on the Tribunal,
9 to inconvenience it any.

10 ACTING PRESIDENT: The objection is upheld.

11 MR. CAUDLE: All right, sir.

12 With respect to the second paragraph, I'd
13 like to explain that this exhibit referred to is
14 written in black and has red marginal notes, which
15 goes to show that a certain proceeding held by the
16 Army and Navy Ministers, or some committees, are
17 probably in black, and the correction by the Foreign
18 Conference -- I mean, the Ministers Conference, are
19 in red and shows that the first meeting was held
20 in August, the early part of August, and the final
21 meeting was held on September 4, one day before the
22 alleged affidavit -- I mean, the alleged affidavit
23 and exhibit herein referred to that we are trying
24 to contradict.
25

Also, your Honors, your copies are written

1 on page 4 of section 8, about the fifth line from
2 the bottom, which begins with the words, "To the
3 best of my knowledge," and ends with the second line
4 on page 5, the ground of objection being that this
5 material contains conclusions and opinions beyond
6 the competency of the witness.

7 MR. CAUDLE: Your Honor, I state that Mr.
8 SAITO has long been a close personal friend of Mr.
9 SHIRATORI, and when he was ill, kept in close
10 personal contact with his condition, and he had
11 every reason and every circumstance under which to
12 formulate, if not an opinion -- to know what his
13 condition was during the period covered in this item
14 referred to by Mr. Sandusky.

15 It, further, certainly has some probative
16 value.

17 ACTING PRESIDENT: By a majority, the ob-
18 jection is sustained.

19 MR. SANDUSKY: Mr. President, with respect
20 to defense document 2694, which has also been tendered,
21 objection is made to section 4 on page 2 of the
22 document. The first of this section is nothing more
23 than a comment on two documents already in evidence,
24 which must speak for themselves, and the last
25 sentence of that section, beginning with the words,

1 "It is unimaginable," contains the opinions and con-
2 clusions of the witness. The prosecution further
3 objects to the whole of section 5, beginning on
4 page 3. In this portion, the witness describes
5 certain features of a document which is already in
6 evidence and which speaks for itself.

7 The copies of the English translation of
8 that document clearly show the marginal notes and
9 corrections of the original referred to.

10 In the second paragraph of this section,
11 beginning with the words, "These facts show clearly,"
12 the witness draws his own conclusions and attempts
13 to interpret the evidence which, we submit, is a
14 function of the Tribunal.

15 MR. CAUDLE: With respect to the first
16 objection, it is true that this is in record. For
17 the sake of continuity and for the convenience of the
18 Tribunal, I think it is quite proper that the Tribunal
19 have its recollection refreshed at this time as to
20 just what we are trying to get at. If it is in the
21 record, it certainly -- Mr. Sandusky certainly
22 couldn't feel I was trying to put anything over on
23 him. It is just that I like --

24 ACTING PRESIDENT: Is it already in the
25 record?

MR. CAUDLE: Yes, but --

1 ACTING PRESIDENT: Is not a reference to
2 the record page of the transcript sufficient?

3 MR. CAUDLE: Well, sir, I'd like -- your
4 Honor, I didn't want to present this thing piecemeal.
5 I'd like to paint the whole picture while we are
6 doing it. It won't take me just a minute, and I
7 certainly haven't indulged myself on the Tribunal,
8 to inconvenience it any.

9 ACTING PRESIDENT: The objection is upheld.
10

11 MR. CAUDLE: All right, sir.

12 With respect to the second paragraph, I'd
13 like to explain that this exhibit referred to is
14 written in black and has red marginal notes, which
15 goes to show that a certain proceeding held by the
16 Army and Navy Ministers, or some committees, are
17 probably in black, and the correction by the Foreign
18 Conference -- I mean, the Ministers Conference, are
19 in red and shows that the first meeting was held
20 in August, the early part of August, and the final
21 meeting was held on September 4, one day before the
22 alleged affidavit -- I mean, the alleged affidavit
23 and exhibit herein referred to that we are trying
24 to contradict.
25

Also, your Honors, your copies are written

SAITO

DIRECT

34,955

1 in black and the red marginal notes on this exhibit
2 have a significant meaning in the same, and it
3 should be -- we should be permitted to explain the
4 contents and the whereof of it to this Tribunal. It
5 is just a matter of explanation, sir, which you
6 could not have by just reading the documents as you
7 have it. You could notice it on the original, but
8 it would be in Japanese, and I don't imagine you
9 could tell what it was.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SAITO

DIRECT

34,956

K
a
p
p
l
e
a
u
&
Y
e
i
d
e
n

1 MR. SANDUSKY: Mr. President, I did not
2 understand, sir, that the President's ruling referred
3 only to the first portion of my objection.

4 ACTING PRESIDENT: There seems to have been
5 some misunderstanding on the matter among the Tribunal.
6 By a majority the objection is sustained.

7 MR. CAUDLE: I don't want to take issue with
8 the Tribunal but I don't see how in the name of high
9 heaven you are going to be able to understand it unless
10 he explains it to you.

11 ACTING PRESIDENT: We are not interested in
12 those comments, Mr. Caudle.

13 MR. CAUDLE: I am sorry, sir. Does this
14 include all of that to which he objected, sir?

15 ACTING PRESIDENT: Paragraphs 4 and 5.
16 Subject to those objections the documents are admitted
17 in evidence.

18 CLERK OF THE COURT: Defense document No. 332
19 will receive exhibit No. 3588 and defense document
20 No. 2694 will receive exhibit No. 3589.

21 (Whereupon, the documents above
22 referred to were marked, respectively, defense
23 exhibits No. 3588 and No. 3589 and received
24 in evidence.)

25 MR. CAUDLE: I will now read exhibit 3588:

1 "I, SAITO, Yoshie, being first duly sworn
2 according to the customary formality in this country,
3 depose and state:

4 "Deposition Concerning Mr. SHIRATORI.

5 "Both Mr. SHIRATORI and myself were advisors
6 of the Foreign Office from August 28, 1940, to July 22,
7 1941, under Foreign Minister MATSUOKA. The competence
8 and duties of the advisor are not clearly defined by
9 any act or ordinance. He has no access, as of right,
10 to any document or information belonging to the Foreign
11 Office. His influence and activities depend largely
12 upon the personal characteristics of the Foreign
13 Minister of the time and especially upon the degree
14 of intimacy and confidence that may exist between him
15 and the Minister.

16 "My acquaintance with Mr. MATSUOKA began in
17 1909 when he and I, as an attache, were colleagues in
18 the Japanese Consulate-General at Tientsin, China.
19 Our intimacy lasted unbroken and when Mr. MATSUOKA
20 became the Vice-President of the South Manchurian
21 Railway Company I was appointed a director of that
22 company. During Mr. MATSUOKA's presidency of the
23 railway company, I was an advisor and conducted
24 researches upon Chinese affairs. I believe it was
25 because of such a close personal relationship between

SAITO

DIRECT

34,958

1 us that Mr. MATSUOKA chose me as an advisor of the
2 Foreign Office when he became Foreign Minister. As
3 far as I know, however, Mr. SHIRATORI had little to
4 do with Mr. MATSUOKA personally as well as officially.
5 As I was given to understand at the time, his appoint-
6 ment as advisor of the Foreign Office was due mainly
7 to Prince KONOYE's recommendation. Moreover, Mr.
8 MATSUOKA was a man of great self-confidence who would
9 do everything by himself, rarely asking the advice
10 of others. With the exception of expert matters con-
11 cerning international treaties or Chinese affairs, he
12 scarcely ever consulted me, intimate friend as I was
13 to him, upon important questions of policy or of
14 government. I can therefore state with truth that
15 Mr. SHIRATORI's advisorship under Mr. MATSUOKA was
16 more or less nominal. He was not asked to advise
17 almost on any subject, least of all on important
18 diplomatic questions.

19 "To be more particular in this regard, I may
20 mention the following facts:

21 "(1) The wholesale dismissal of Japanese
22 diplomats by Messrs. MATSUOKA and OHASHI (IPS exhibit
23 548, Ambassador Ott's telegram of August 23, 1940).
24 This took place before the appointment of the advisors.
25 As my appointment as advisor was then definitely

1 decided upon, I was admitted into counsel over this
2 matter, but Mr. SHIRATORI had nothing at all to do
3 with it. In fact, as an Ambassador on the waiting
4 list, he was counted among the senior diplomats to be
5 dismissed.

6 "(2) The decision adopted at the Four
7 Ministers' Conference (Premier KONOYE, Foreign Minister
8 MATSUOKA, War Minister and Navy Minister) of September
9 4, 1940, and the decision of the Liaison Conference
10 of September 19, 1940, relative to the strengthening
11 of the relationship between Japan, Germany and Italy
12 (IPS exhibit 541). It was in those important decisions
13 that the basic policy for the conclusion of the Three-
14 Power Pact was adopted by the Government. I was
15 allowed at the time to look over these top-secret
16 documents but I know for certain that they were not
17 shown to Mr. SHIRATORI.

18 "(3) The visit to Japan of Ribbentrop's
19 special envoy, Mr. Stahmer. The matter was kept
20 secret to the advisors who knew nothing about it until
21 a few days before Mr. Stahmer's arrival in Tokyo,
22 September 7, 1940, nor was the exact character or
23 object of his mission known to them.

24 "(4) The negotiation of the Tri-Partite Pact
25 was conducted exclusively between Mr. MATSUOKA and

1 Messrs. Stahmer and Ott at Mr. MATSUOKA's private
2 residence. I acted as a sort of legal expert and
3 advised Mr. MATSUOKA on the technical aspect of the
4 treaty, but Mr. SHIRATORI's opinion was not asked in
5 any respect and at any stage of the negotiations.
6 The text of the treaty was drafted in English by
7 MATSUOKA, Stahmer and Ott, and was afterwards trans-
8 lated into Japanese and German. Mr. SHIRATORI had
9 nothing to do with the drafting of the original text
10 but was first shown it in a finished form in English.
11 Later he was asked to translate into English the
12 preamble of the treaty which I had drafted in Japanese
13 by Mr. MATSUOKA's order.

14 "(5) Mr. MATSUOKA's negotiations concerning
15 and with French Indo-China and Thailand (referred to
16 in the prosecution's opening statement read on Septem-
17 ber 30, 1946, and in various IPS exhibits relating
18 thereto). Mr. SHIRATORI had nothing to do with these
19 matters, no documents or information bearing on them
20 having ever been furnished to him.

21 "(6) The recognition by Japan of the Wang
22 Tshing Wei Regime on November 30, 1940, and the Joint
23 Declaration of Japan, Manchoukuo and China (IPS exhibit
24 464). Negotiations with the Wang Tshing Wei Regime
25 relative to this matter were started at Nanking by the

1 YONAI-ARITA Cabinet through Special Ambassador, General
2 ABE. Agreement was finally arrived at under the
3 Second KONOYE Cabinet in which Mr. MATSUOKA was Foreign
4 Minister, but Mr. SHIRATORI was not concerned in this
5 matter in any way whatever.

6 "(7) Mr. MATSUOKA's trip to Europe in the
7 spring of 1941. Nothing was made known to Mr. SHIRATORI
8 about this trip to Europe of the Foreign Minister until
9 a few days before his departure from Tokyo. The cir-
10 cumstances under which this trip was decided upon by
11 the Government and its object and purpose were kept
12 entirely from Mr. SHIRATORI. During Mr. MATSUOKA's
13 absence in Europe, we advisors had practically nothing
14 to do at the Foreign Office.

15 "(8) Mr. SHIRATORI became seriously ill at
16 the beginning of April 1941, and after spending nearly
17 a month in hospital, moved to the seashore at Hayama
18 where, it is known, he remained convalescing in almost
19 complete retirement for about a year. Although he was
20 Foreign Office advisor in name until his resignation
21 in the latter part of July 1941, he did not during
22 that period once put in an appearance at the Foreign
23 Office nor had he anything to do with the affairs of
24 that office. He did not see Mr. MATSUOKA since the
25 latter's departure for Europe until his resignation as

SAITO

DIRECT

34,962

1 Foreign Minister. He did not concern himself in any
2 manner in the diplomatic negotiations with the United
3 States conducted by Mr. MATSUOKA from April to July
4 1941 (IPS exhibits 1059 and 1070, etc.)."

5 The rest of that paragraph has been ruled out.

6 "I may make a further statement concerning
7 Mr. SHIRATORI as follows:

8 "(a) Mr. SHIRATORI could not have refused
9 the post of Vice-Minister of Foreign Affairs (IPS
10 exhibit 538, Ambassador Ott's telegram of August 2,
11 1940), for I know for a fact that Foreign Minister
12 MATSUOKA had from the beginning Mr. OHASHI, Chuichi
13 in mind and that he never offered that position to
14 Mr. SHIRATORI. Ambassador Ott stated in his telegram:
15 'Ambassador SHIRATORI informed confidentially that he
16 had declined the post of Vice Foreign Minister. It is
17 to be considered that he will now be appointed permanent
18 advisor to the Foreign Minister. He believes he can
19 exercise a far-reaching influence in this capacity.'
20 But this statement seems to run counter to the facts
21 of the matter, for while the position and competence
22 of a diplomatic advisor are as I described above, those
23 of a Vice Foreign Minister are clearly defined by law.
24 He has control over the whole administrative system
25 of the Foreign Office, such as personnel, archives,

1 budget, expenditures, et cetera. He could thereby
2 largely influence the conduct of the nation's foreign
3 affairs.

4 "(b) While it is true that during our
5 advisorship both Mr. SHIRATORI and myself often met
6 the German Ambassador in a social way, there was to
7 the best of my knowledge nothing to indicate that
8 Mr. SHIRATORI was on any specially intimate terms with
9 Mr. Ott or any other member of the German Embassy in
10 Tokyo. I do not believe Mr. SHIRATORI to have been a
11 Germanophile, for I remember a remark he made at a
12 gathering of Foreign Office officials during the
13 Pacific war to the effect that it was no less objection-
14 able for us to be pro-Axis as to be pro-Anglo-Saxon.

15 "(c) Toward the middle of October 1940, Mr.
16 SHIRATORI was appointed a member of the directorate of
17 the Imperial Rule Assistance Association. This
18 organization had for its object the moral mobilization
19 of the nation and did not concern itself directly with
20 politics, much less with diplomatic questions. Although
21 I saw Mr. SHIRATORI almost daily at that period at the
22 advisor's quarters of the Foreign Office, I am not aware
23 that he was playing any important part as a member of
24 the said directorate. In fact, I remember his telling
25 me once that he expected nothing of real value or

SAITO

DIRECT

34,964

1 significance from this organization. He generally
2 stayed away from the meetings of the Association
3 which were held quite frequently at its initial stage.

4 "(d) I know nothing about Mr. SHIRATORI's
5 acting as a leader of 'activistic circles' ('minority
6 group') demanding preventive attack on Singapore in
7 January 1941 (IPS exhibit 562, Ambassador Ott's
8 telegram of January 31, 1941). From what I knew, as
9 a friend and colleague, about Mr. SHIRATORI's
10 diplomatic views, he was by no means an advocate of
11 Japan's southward advance.

12 "(e) Mr. SHIRATORI and myself received on
13 the same date a German decoration of the same grade,
14 ostensibly in recognition of our service relative to
15 the conclusion of the Tri-Partite Pact (IPS exhibit
16 1272, Ambassador Ott's telegram of May 17, 1942).
17 From my experience during my long career as a diplomat,
18 I know that the exchange of decorations between
19 governments is, in fact, largely a matter of formality
20 or etiquette, having more to do with the official
21 positions held by the individuals concerned than with
22 their real merit or actual service. It seems that
23 Ambassador Ott, in his report to his Government,
24 attached undue importance to the position of Foreign
25 Office advisor.

SAITO

DIRECT

34,965

1 "The IPS exhibits quoted in this affidavit
2 were brought to my knowledge by Messrs. S. SAKUMA and
3 Y. HIROTA, who acted as witnesses to my deposition.
4 I have mentioned them by their register marks in
5 brackets for the convenience of the Tribunal.

6 "This 20th day of December 1946, in the
7 building of the International Military Tribunal for
8 the Far East.

9 "(Signed) SAITO, Yoshie."
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SAITO

DIRECT

34,966

MR. CAUDLE: I will now read exhibit 3589.

1 "I, SAITO, Yoshie, being first duly sworn
2 according to the customary formality in this country,
3 depose and state:

4 "1. I have already made an affidavit,
5 defense document No. 332, in favour of defendant
6 SHIRATORI, Toshio. I now desire to make the follow-
7 ing additional deposition for the same defendant.
8

9 "2. As I testified in defense document No.
10 332" -- by the way, for the Court's information, the
11 document I just read -- "I was appointed advisor of
12 the Foreign Office, together with Mr. SHIRATORI, on
13 August 28, 1940. I assisted Foreign Minister MATSUOKA
14 in technical matters concerning the drafting and nego-
15 tiation of the Tripartite Pact concluded on September
16 27, 1940. Mr. OHASHI, Chuichi was appointed Vice
17 Minister of Foreign Affairs on August 19, 1940. Mr.
18 MATSUMOTO, Shunichi, who was the Councillor of the
19 Japanese Embassy at Nanking, China, returned to Tokyo
20 on September 5, 1940, and was made Chief of the Treaty
21 Bureau of the Foreign Office on the same day, but he
22 began assisting the Foreign Minister in technical
23 matters concerning the Pact several weeks after that
24 appointment.
25

"3. Mr. MATSUMOTO states in exhibit No. 3145-A

SAITO

DIRECT

34,967

1 (defense document No. 1656-A) that 'On 5 September
2 1940 a plan, as Annex No. 1, was drafted by Vice
3 Foreign Minister OHASHI, the advisors SHIRATORI and
4 SAITO, and presented by Foreign Minister MATSUOKA
5 to the Four-Minister Conference for consideration'
6 (record page 27,986). This statement is entirely
7 erroneous. OHASHI, SHIRATORI and myself never made
8 that plan on September 5, 1940, or on any other date."

9 I understand 4 and 5 are excluded.

10 "6. I have no knowledge as to who drafted
11 the original of the document adopted by the Four-
12 Minister Conference on September 4, 1940 -- in other
13 words, Annex No. 1 to exhibit No. 3145-A. I was shown
14 this document by Foreign Minister MATSUOKA after it
15 had passed the Four-Minister Conference, but it was
16 not shown to Mr. SHIRATORI at any time, as I stated
17 in my affidavit, defense document No. 332. I had
18 nothing to do with the revision of this document by
19 the Foreign Office on September 4, 1940, and I know
20 for certain that Mr. SHIRATORI also had no connection
21 with it.

22 "7. On or about September 5, 1940, Foreign
23 Minister MATSUOKA invited Mr. OHASHI, Mr. SHIRATORI
24 and myself, together with other officials of the
25 Foreign Office, to a luncheon and told us in a rather

SAITO

DIRECT

34,968

1 desultory way that since Mr. Stahmer was shortly ex-
2 pected to arrive in Tokyo he intended to broach the
3 question of strengthening the three-power axis. But
4 neither on that occasion nor at any other time was
5 there any discussion among us on the plan adopted
6 by the Four-Minister Conference (namely, Annex No.
7 1 to Exhibit No. 3145-A) or any other plan in this
8 matter.

9 "On this 3rd day of October, 1947, at Tokyo,
10 Japan.

11 "Signed: SAITO, Yoshie."

12 May the witness be shown exhibit No. 3145-A?

13 (Whereupon, a document was handed
14 to the witness.)

15 Q Will you please identify that exhibit?

16 A I recognize this document.

17 Q Will you please advise the Tribunal what it
18 is?

19 A This is the draft of the Japan-German-Italian
20 alliance pact and a document annexed therewith, an
21 outline of the course of drafting of the said draft,
22 prepared by Mr. MATSUMOTO, at that time director of
23 the Treaty Bureau of the Foreign Office.

24 Q Does that document indicate when the first
25 draft of this proposed pact was made and where and by

SAITO

DIRECT

34,969

whom?

1 ACTING PRESIDENT: That question covers
2 exactly what we sustained the objection to in para-
3 graph 5.

4 MR. CAUDLE: Is that question overruled, sir?

5 ACTING PRESIDENT: It will not be allowed.

6 Q Will you please turn to page 12 of that docu-
7 ment?

8 THE INTERPRETER: There is no page 12 in
9 the English.

10 A Yes, I have found page 12 in the Japanese.

11 Q Do you see two dates and two marginal notes
12 on this particular page?

13 A Yes.

14 ACTING PRESIDENT: Don't answer that ques-
15 tion, witness.

16 Have you any objection to that?

17 MR. SANDUSKY: Yes, I object to any line of
18 questioning that is calculated to elicit the informa-
19 tion that is included in the affidavit and success-
20 fully objected to.

21 ACTING PRESIDENT: Your objection is sustained
22 and the answer stricken.

23 I want to suggest to defense counsel that
24 this is no laughing matter, and is really an imposi-
25

SAITO

DIRECT

34,970

tion on the Tribunal to attempt to put this matter
1 in when it has already been rejected by the Tribunal.

2 MR. CAUDLE: I am sorry, sir.

3 This refers to the same exhibit but to another
4 line of questioning. May I proceed, sir?

5 ACTING PRESIDENT: If it is an additional
6 question on something that is not covered by his
7 affidavit.

8 Q Please open exhibit 3145-A, page 5. Do you
9 see the following statement in item 7 on that page?
10 I quote:

11 "On the same day Stahmer had told adviser
12 SHIRATORI that the German side wished to sign this
13 pact in Berlin."
14

15 A Yes, in the second paragraph.

16 Q Is that statement correct?

17 A I think there was such a fact, that is to say,
18 that such a statement was made. But in my recollec-
19 tion the matter was broached to Mr. SHIRATORI infor-
20 mally at some social function by Ambassador Ott.

21 Q In other words, this was not an official
22 communication as between Ambassador Stahmer and Mr.
23 SHIRATORI?

24 A No, it was not official.

25 Q What duties or responsibilities did Japanese

SAITO

DIRECT

34,971

1 diplomats have while on the waiting list of the
2 Foreign Office?

3 A Diplomats on the waiting list had no func-
4 tions, no responsibilities, no authorities; they
5 just held the status of the rank they held at the
6 time.

7 Q Are they permitted to see secret documents
8 of the Foreign Office or are they taken into confi-
9 dence on government policy?

10 A AS I think I have briefly stated in my affi-
11 davit with regard to government policy -- No, I am
12 mistaken; I haven't said so. Any diplomat on the
13 waiting list played no part whatsoever in the formula-
14 tion or any aspect of national policy, nor were they
15 permitted to see secret documents.

16 Q In other words, they would just sit there
17 dormant and have no functions whatsoever?

18 A No, they do not even show up at the office.

19 Q What salary is paid to diplomats after they
20 have been placed on the waiting list?

21 MR. SANDUSKY: Mr. President, objection is
22 taken to that question on the ground of immateriality
23 of the salary of Mr. SHIRATORI at any period.

24 MR. CAUDLE: Your Honor, we are trying to show
25 that he was paid for what he did, and consequently he

did nothing.

1 ACTING PRESIDENT: Objection sustained.

2 Q How long did a diplomat remain on the wait-
3 ing list?

4 MR. SANDUSKY: Mr. President, objection is
5 also taken to that question on the ground of immater-
6 iality.

7 ACTING PRESIDENT: Objection sustained.

8 MR. CAUDLE: I have another question right
9 along the same grounds. May I ask it? Then if he
10 wants to object --

11 ACTING PRESIDENT: Ask it.

12 Q If a diplomat has not received an assignment
13 before a certain time, what steps are taken with re-
14 gard to his status?

15 MR. SANDUSKY: Mr. President, objection is
16 made on the same ground.

17 ACTING PRESIDENT: Objection overruled.

18 Q You may answer.

19 A The ordinary period of suspension of duties
20 is three years, and after a lapse of three years if
21 the person is not given any assignment he is auto-
22 matically retired.

23 ACTING PRESIDENT: Recess for fifteen minutes.

24 (Whereupon, at 1045, a recess was taken
25

34,973

1 until 1100, after which the proceedings were
2 resumed as follows:)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

W
h
s
l
e
n
&
M
o
r
s
e

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Caudle.

4 BY MR. CAUDLE (Continued):

5 Q Now, Mr. SAITO, in my last question to you
6 I referred to a diplomat, which in Japanese I under-
7 stand is the word "kyushoku," which means diplomat
8 without assignment. I would now like to ask you with
9 reference to the Japanese word "taimei," which refers
10 to a diplomat on the waiting list?

11 A The Chinese ideographs for the word "waiting
12 list" literally is "awaiting orders." And, actually
13 speaking, a diplomat on the waiting list does not do
14 any work. But when first placed on the waiting list
15 a diplomat is generally given an order to engage in
16 temporary assignment in the Gaimusho, or the Foreign
17 Office. But this order generally is a merely formal
18 one. A diplomat so placed on the waiting list draws
19 full salary for the first six months, but, actually
20 speaking, one assigned to the waiting list does no
21 work, and this terminology is used, that is, "taimei,"
22 or "waiting list," "to await orders" is given just for
23 the purpose of giving the salary in full.
24

25 Slight correction to the latter part: This
order placing the diplomat on temporary assignment

1 in the Foreign Office is a merely formal one, generally
2 speaking, and this is given for the purpose of giving
3 the diplomat his full salary for the first six months.

4 Q Well, if a diplomat who is on the waiting
5 list does not receive an assignment within a certain
6 time, then what becomes of his status with the Foreign
7 Ministry?

8 A For the first six months he draws a full
9 salary, and after six months, for a period of three
10 full years, he is given one-third of the salary, and
11 after the lapse of that period if there is no assign-
12 ment he is automatically retired, as I have said before.

13 Q Does an ambassador or foreign adviser have
14 anything whatsoever to do with the formulation of
15 foreign policy?

16 A May I inquire what you are referring to, an
17 ambassador in active service, or an ambassador on the
18 waiting list?

19 Q I am referring to an ambassador in both in-
20 stances.

21 A Beginning with the ambassador, the ambassador
22 in active service when he is on his post of duty and
23 when he is tentatively returned home, say, on furlough,
24 presents his views and opinions with regard to the
25 country to which he is assigned. An ambassador on the

1 waiting list ordinarily does not express his opinions,
2 but at times he may be asked for his views and opin-
3 ions by the Foreign Minister. But, generally speaking,
4 it is customary that the ambassador on the waiting
5 list not express his opinions. However, the ambassador
6 does not decide foreign policy. That may be taken as
7 a matter of course.

8 Now, as to the adviser, he does not have any
9 functions, fixed functions or authority in the Foreign
10 Office, and there are times when he expresses his
11 opinions and views to the Ministry for Foreign Affairs.
12 But as to the determination of foreign policy, that is
13 done by the government. That is the rule.

14 MR. CAUDLE: You may examine.

15 ACTING PRESIDENT: Mr. Sandusky.

16 MR. SANDUSKY: May it please the Tribunal.
17
18
19
20
21
22
23
24
25

CROSS-EXAMINATION

1
2 BY MR. SANDUSKY:

3 Q Mr. Witness, you state that SHIRATORI was not
4 asked to advise on important diplomatic questions. Let
5 me ask you whether SHIRATORI did not have very strong
6 views on certain diplomatic questions and pressed these
7 views as adviser to the Foreign Ministry regardless of
8 whether his advice was formally requested or not?

9 A I do not think it is necessary for me to state
10 how strong an attitude SHIRATORI had personally with
11 regard to certain questions but I can say with certainty
12 that during the time of Mr. MATSUOKA as Foreign Minister
13 Mr. SHIRATORI at no time voluntarily expressed views
14 on important foreign policy nor was he ever asked for
15 his views. Let me add here that Mr. SHIRATORI while
16 adviser to the Foreign Office hardly went to the Foreign
17 Office.
18

19 Q Mr. Witness, with respect to the first part of
20 your response to my question, I suggest that it is
21 desirable for the Tribunal that you state your knowledge
22 of Mr. SHIRATORI's strong views held personally, for
23 example, with respect to alliance with Germany and Italy.

24 MR. CAUDLE: Your Honor, I would like to object
25 to that because it is certainly without the province
of the affidavit itself. Furthermore it is a collateral

1 issue at this time.

2 ACTING PRESIDENT Objection overruled. Answer
3 the question, Witness.

4 A The relationship between SHIRATORI and I were,
5 in the main, private and there was hardly any occasion
6 for us to exchange views with regard to questions
7 relating to Italy and Germany.

8 Q But, as a matter of fact, Witness, did you not
9 know of your own knowledge that Mr. SHIRATORI was widely
10 known as one of the staunchest advocates of alliance
11 with Germany and Italy?

12 A Well, there may be various public rumors but
13 I can find no grounds upon which I can state with
14 certainty that he was a strong advocate of an alliance.

15 Q Mr. SAITO, is it not true that during the period
16 after Mr. SHIRATORI's return from Rome in December 1939
17 that he conducted a series of speaking tours in which
18 he praised collaboration with Germany and Italy?

19 A At that time I was in Manchukuo and in China
20 and I do not know of his activities at that time.

21 Q I refer to speeches given up to and including
22 the time of his advisership in the Foreign Office when
23 he was a colleague of yours.

24 A Well, after he became adviser -- after becoming
25 adviser I also was in Tokyo but I have never heard of

1 such activities on his part and it is not within my
2 knowledge.

3 Q Mr. SAITO, as an adviser to the Foreign
4 Minister on diplomatic matters, foreign policy, was
5 it not necessary for you occasionally to read the
6 Japanese press?

7 A Yes, I have read the newspapers but I have
8 never seen any news item in connection with an address
9 made by Mr. SHIRATORI.

10 Q I pass now to the second portion of your
11 response to my first question. You then stated
12 positively that Mr. SHIRATORI never expressed his
13 views to Mr. MATSUOKA. Is that right?

14 A Yes, that is so.

15 Q I will ask you whether it is not a fact that
16 Mr. SHIRATORI advised Mr. MATSUOKA in January 1941
17 that it would be inopportune at that time to ask for
18 Germany's recognition of the Wang Ching-wei regime in
19 China?
20

21 A I know nothing about that.

22 Q Let me ask you if it would have been possible
23 for Mr. SHIRATORI to so to have advised Mr. MATSUOKA
24 without your knowledge.

25 A In my judgment I do not think that there was
no such occasion. I say this in the light of the

1 relationship which existed between Foreign Minister
2 MATSUOKA and Mr. SHIRATORI ordinarily and in the light
3 of the circumstances of their relationship.

4 Q Mr. Witness, that is not an answer to my
5 question. May I take from your answer that it would
6 be possible, however, for such advice to have passed
7 without your knowledge?

8 MR. CAUDLE: I object to that question, sir.
9 We are not looking for possibilities; we are looking
10 for facts.

11 ACTING PRESIDENT: Objection overruled.

12 A My reply to you was that it was not possible
13 and, therefore, I think I did respond to your question.

14 Q I will pass to another portion of your affidavit.
15 You state that you acted only as a kind of legal expert
16 on the technical aspects of the Tripartite Pact. What
17 was Mr. MATSUMOTO's position?

18 A Mr. MATSUMOTO also was a sort of legal adviser
19 but the difference between his function and mine was
20 this, that I was connected with the Tripartite Pact from
21 the outset of the negotiations for the pact whereas Mr.
22 MATSUMOTO's connections began after the negotiations
23 had been completed wherein his legal knowledge was brought
24 into play in connection with the formulation of the form
25 of the text of the treaty, etc.

S
p
r
a
t
t
&
D
u
d
a

1 Q I take it from your answer, Mr. SAITO, that
2 Mr. MATSUMOTO was a kind of legal adviser in addition
3 to being Chief of the Treaty Bureau?

4 A No, addition would not be the proper word
5 to use because the very fact that he was a director of
6 the Treaty Bureau made it only natural for him to do
7 the work of a legal expert.

8 Q As director of the Treaty Bureau he did
9 have duties outside of or in addition to legal matters?
10 He had other duties to perform; is that right?

11 A Yes.

12 Q Did this include liaison with the German
13 Embassy in Tokyo; for instance, with such persons as
14 Councilor Boltze?

15 MR. CAUDLE: May it please the Tribunal,
16 I object to that. There is nothing in this affidavit
17 relating to Mr. MATSUMOTO's relations with Boltze,
18 the German Embassy, or anything else. It is a collatera
19 matter and has no bearing on this affidavit at all.

20 MR. SANDUSKY: I submit that in his affidavit
21 the witness has attempted to tell the functions and
22 duties of the foreign advisers, outlining the circum-
23 stances surrounding the conclusion of the final Tri-
24 partite Pact.
25

MR. CAUDLE: If I recollect, sir, no attempt

has been made to describe the duties of Mr. MATSUMOTO.

1 MR. SANDUSKY: Mr. President --

2 ACTING PRESIDENT: Just a minute.

3 MR. SANDUSKY: I had not finished my state-
4 ment.

5 MR. CAUDLE: Oh, I am sorry.

6 MR. SANDUSKY: I submit that the scope of
7 the negotiation of the Tripartite Pact was certainly
8 large enough to include questioning on the liaison
9 maintained with the German Embassy by the witness who
10 is before this Tribunal to tell the circumstances of
11 the negotiation.
12

13 ACTING PRESIDENT: Objection overruled.

14 BY MR. SANDUSKY (Continued):

15 Q Did Mr. MATSUMOTO's duties include liaison
16 with the German Embassy in Tokyo, specifically with
17 such persons as the Councilor of the Embassy, Mr. Boltze?

18 A Yes. He conducts liaison work whenever there
19 is any such instructions from the Foreign Minister.

20 Q Mr. SAITO, would you be able to fix more
21 definitely the time when MATSUMOTO actually began to
22 participate in the negotiations for the Tripartite Pact?

23 A I do not remember the exact date now.

24 Q Would it be, say, around the middle of September?

25 A I should think in the latter part of September,

if I am not mistaken.

1 Q Do you have full confidence in your memory
2 regarding the details of the negotiations as you de-
3 scribed them in your affidavit?

4 A Are you referring to the affidavit pertain-
5 ing to Mr. SHIRATORI or to some other question? I
6 can't quite understand, comprehend the scope of your
7 question.
8

9 Q My question was, are you fully confident
10 that at this time you remember the details of the
11 negotiations for the Tripartite Pact? I refer to the
12 affidavits which have just been read.

13 A I am stating with accuracy and confidence my
14 part in the negotiations for the pact; at least that
15 is how I think.

16 Q Does that accuracy and confidence extend to
17 your statements regarding the part played by other
18 people in the negotiations?

19 A Well, that would depend on the kind or nature
20 of the question that you might put to me. I cannot say
21 on the basis of a general statement whether I remember
22 everything.

23 Q Well, for example, do you feel that you
24 correctly remember when you state that Mr. SHIRATORI
25 translated the preamble to the Tripartite Pact from

SAITO

CROSS

34,984

Japanese into English?

A Yes, that is correct.

Q Now, Mr. SAITO, is it not a fact that on
9 September of this year, in speaking of the English
text of the preamble, you told this Tribunal, and I
quote: "This English text was written and proposed
personally by Mr. MATSUOKA"?

A Yes.

1 Q May I suggest that you inform the Tribunal
2 on which occasion you remembered correctly?

3 A Both are correct. By that I mean -- this
4 may sound strange, but the proposal which was presented
5 at the conference among Stahmer, Ott and MATSUOKA was
6 personally written by Mr. MATSUOKA. This was the first
7 proposal. Later on, as the negotiations developed and
8 the treaty began to take on some definite form, the
9 proposal, having first been prepared in English, was
10 translated into Japanese by me. I then showed this
11 translation from English into Japanese made by me to
12 Mr. SHIRATORI, and Mr. SHIRATORI, on the basis of the
13 Japanese translation made by me, translated again into
14 English. Thereupon, I brought Mr. SHIRATORI's trans-
15 lation into English to Mr. MATSUOKA, who said, upon
16 reading it, that Mr. SHIRATORI's translation into Eng-
17 lish was much more refined than his -- that is,
18 MATSUOKA's... And, therefore, I say that my memory
19 on both is correct.

20 Q Mr. SAITO, would you tell me, if you know,
21 the type of rank given to an adviser to the Foreign
22 Minister?

23 A An adviser of the Foreign Office was given
24 the rank of Shin-nin.

25 Q Is this not the highest rank in the official

hierarchy?

1 A Well, yes.

2 Q Is this not also the rank that is held by the
3 Foreign Minister, himself?

4 A The Foreign Minister is of Shin-nin rank as
5 minister of state, whereas the adviser is given the
6 treatment of Shin-nin rank; and, therefore, the adviser
7 is subordinate to the Foreign Minister.

8 MR. SANDUSKY: If it please the Tribunal, I
9 have no further questions.

10 MR. CAUDLE: May the witness be excused?

11 ACTING PRESIDENT: He may be excused on the
12 usual terms.

13 (Whereupon, the witness was excused.)

14 MR. CAUDLE: Items 50 through 53 have been
15 deleted.

16 The prosecution stated further -- and I quote:

17 "The Tripartite Military Alliance was con-
18 cluded on the 27th of September, 1940. Soon thereafter
19 SHIRATORI endeavored to unite the nation behind the
20 pact by publication of various articles, one of which
21 was entitled 'The Three-Power Pact and the World of
22 Tomorrow.'" This appears at record page 16,919.

23 This article, namely, exhibit No. 557-A,
24 IPS document 2361-A, record pages 6405-6411, was
25

1 published in the December number of 1940 of the maga-
2 zine, "Contemporary Japan." In order to show that this
3 article was originally in Japanese, that the Japanese
4 text was translated into English by a certain other
5 person and rewritten by a certain American, and that the
6 article was his personal views and had no official
7 relationship with the views of the government, which
8 fact is substantiated by the further fact that he was
9 paid for its publication, and further, to show the nature
10 of the magazine and the circulation thereof, I will
11 call the witness, Miss UNO, Masuko.

12 MR. SANDUSKY: Mr. President, at this time I
13 feel called on to object to counsel's attempt to sum-
14 marize or paraphrase an affidavit in the course of
15 presentation.

16 ACTING PRESIDENT: It is all right for you
17 to refer to prosecution's evidence which you intend
18 to refute. But it is not proper or necessary to go
19 into such an extended explanation of what you intend
20 to prove. Some of your comments have been longer than
21 the documents admitted.

22 Call your witness.

23 - - -
24
25

UNO

DIRECT

34,988

1 M A S U K O U N O, called as a witness on behalf
2 of the defense, being first duly sworn, testi-
3 fied through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 MR. CAUDLE: May the witness be shown defense
6 document No. 2716?

7 BY MR. CAUDLE:

8 Q Please examine that document and tell us
9 whether or not it is your sworn affidavit.

10 A This is my affidavit.

11 Q Are the contents thereof correct and true?

12 A Yes.

13 MR. CAUDLE: Now may the witness be shown
14 defense document 1621-A?

15 It is a book, account book.

16 CLERK OF THE COURT: We do not have it,
17 Mr. Caudle. We can make a search in the office for it.

18 MR. CAUDLE: If it please the Tribunal, this
19 document is an account book of the publishers of this
20 magazine, "Contemporary Japan," of which I propose to
21 introduce a photostatic copy of page 10 thereof, which
22 photostat of this said page 10 of this document I would
23 like for the Tribunal to have before it as the affi-
24 davit is read in order that you can get the gist of
25 what is contained in such affidavit.

UNO

LIRECT

34,989

1 ACTING PRESIDENT: In other words, you would
2 like to have a recess at this time?

3 MR. CAUDLE: Yes, sir, if it is convenient.

4 ACTING PRESIDENT: We will adjourn until
5 one-thirty.

6 (Whereupon, at 1155, a recess was
7 taken.)

8 - - -
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AFTERNOON SESSION

1
2 The Tribunal met, pursuant to recess, at
3 1330.

4 MARSHAL OF THE COURT: The International
5 Military Tribunal for the Far East is now resumed.
6

7 - - -

8 M A S U K O U N O, called as a witness on behalf
9 of the defense, resumed the stand and testified
10 through Japanese interpreters as follows:

11 ACTING PRESIDENT: Mr. Caudle.

12 MR. CAUDLE: If it please the Tribunal, in
13 view of the slight mix-up before lunch which caused a
14 delay, it was found in changing the order of proof that
15 the two documents referred to inadvertently had been
16 deleted, but we have those now in court and the clerk
17 I understand is ready to distribute them and we have
18 also prepared an errata sheet covering these documents.

19 May the witness be shown defense document No.
20 1621-A.

21 (Whereupon, a document was handed to
22 the witness.)

23 BY MR. CAUDLE (Continued):
24

25 Q Will you state whether or not that is a
Contribution Accounts-Book of the Japan Foreign Affairs

Association which you mention in your affidavit?

1 A Yes, this is the Contribution Accounts-Book
2 of the Japan Foreign Affairs Association.

3 MR. CAUDLE: May the witness be shown defense
4 document No. 1621.

5 (Whereupon, a document was handed to
6 the witness.)

7 Q Is that a photostatic copy of page 10 of the
8 Contribution Accounts-Book herein before referred to?
9

10 A Yes, it is.

11 MR. CAUDLE: If it please the Tribunal, I
12 offer defense document No. 1621-A for identification
13 only, and I offer in evidence defense document 2716 and
14 defense document 1621, the same being the affidavit and
15 the photostatic copy of a page of the Accounts-Book
16 herein before referred to.

17 ACTING PRESIDENT: Let's offer them one at a
18 time.

19 MR. CAUDLE: I am sorry; I will do that, sir.
20 Therefore, sir, I offer in evidence defense
21 document No. 2716, the affidavit.

22 MR. SANDUSKY: May it please the Tribunal.

23 ACTING PRESIDENT: Mr. Sandusky.

24 MR. SANDUSKY: Objection is made to this docu-
25 ment in its entirety principally on the ground of

immateriality.

1 The background data on page 1 is followed by
2 an admission at the top of page 2 that the witness
3 knows nothing of the circumstances under which the
4 article in question was published. The witness then
5 undertakes in four numbered paragraphs to describe
6 and to interpret a document that is not yet in evidence,
7 but, which, if admitted in evidence, must speak for
8 itself.

9 As to page 3, the prosecution finds no relevancy
10 or materiality in the matter relating to the disposition
11 of the text.

12 And last, we submit that any information
13 concerning circulation of magazines is wholly immaterial.

14 ACTING PRESIDENT: Mr. Caudle.

15 MR. CAUDLE: If it please the Tribunal, as I
16 quote -- and perhaps in my remarks with regard to these
17 documents -- and I quote the prosecution's own words
18 to the effect that the Tripartite Military Alliance was
19 concluded on the 27th of September 1940. Further, that
20 soon thereafter SHIRATORI endeavored to unite the nation
21 behind the Pact by publication of various articles, one
22 of which was entitled "The Three-Power Pact in the World
23 of Tomorrow." As words speak for themselves, they laid
24 particular and great stress upon this article which
25

1 appeared in this particular magazine.

2 The purpose of this witness is to explain to
3 the Tribunal, which will be before you, that photostatic
4 copy of page 10 of the Accounts-Book which sets forth
5 the business transaction as between the defendant and
6 the publisher of the magazine.

7 ACTING PRESIDENT: That proves the defendant's
8 claim that he published it, doesn't it?

9 MR. CAUDLE: That's all right. We admit it was
10 published, sir, but we likewise in the second part of
11 the affidavit wish to show the Tribunal that this
12 magazine was not one of great circulation, but only had
13 a minor circulation which fluctuated between 1500 and
14 2000.

15 And further, sir, that it was published strictly
16 in the English language and never in the Japanese
17 language.

18 ACTING PRESIDENT: You claim that it does not
19 express SHIRATORI's opinions?

20 MR. CAUDLE: Well, the affidavit further shows
21 that there were several translations and it is not quite
22 certain whether this translation, as it appeared in the
23 magazine, conforms strictly to what he had written or
24 not. The original magazine has been lost.

25 MR. SANDUSKY: Mr. President, I must object to

1 counsel, in effect, reading the affidavit in the
2 course of this argument.

3 MR. CAUDLE: I am not doing that. I beg to
4 differ with Mr. Sandusky, because the Tribunal cannot
5 rule on its admissibility if it doesn't have some idea
6 of what it is about.

7 ACTING PRESIDENT: Proceed with your argument.

8 MR. CAUDLE: And our contention, sir, is that
9 an English, a strictly English magazine, of a limited
10 circulation, which fluctuated between 1500 and 2000
11 copies a month could not mold public opinion nor unite
12 the Japanese nation back of the Tripartite Pact.

13 ACTING PRESIDENT: SHIRATORI understands English,
14 does he not?

15 MR. CAUDLE: Yes, sir.

16 ACTING PRESIDENT: By a majority only the first
17 and last paragraphs are admitted.

18 CLERK OF THE COURT: Defense document No. 2716
19 will receive exhibit No. 3590.

20 (Whereupon, the document above referred
21 to was marked defense exhibit No. 3590 and
22 received in evidence.)

23 MR. CAUDLE: I next introduce -- Do you prefer
24 to have that read, sir, before the other documents are
25 introduced?

1 ACTING PRESIDENT: Either way you care to
2 present your evidence.

3 MR. CAUDLE: I would like to introduce defense
4 document 1621-A, the Accounts-Book, for identification
5 only.

6 CLEPK OF THE COURT: The book entitled
7 "Contribution Accounts-Book For the Japan Foreign Affairs
8 Association," giving detailed entries concerning payments
9 for articles contributed to the magazine on Contemporary
10 Japan, written in Japanese, will received exhibit No.
11 3591 for identification only.

12 (Whereupon, the document above re-
13 ferred to was marked defense exhibit No. 3591
14 for identification.)

15 MR. CAUDLE: I next introduce defense document
16 No. 1621, which is a photostat of page 10 of the afore-
17 said exhibit.

18 MR. SANDUSKY: May it please the Tribunal,
19 objection is taken to this document on the ground that
20 it is wholly immaterial to any issue before the Tribunal
21 whether Mr. SHIRATORI was paid for this article or was
22 not paid for it.

23 ACTING PRESIDENT: What do you claim is the
24 materiality, Mr. Caudle?
25

 MR. CAUDLE: It shows he was paid for it and

therefore could not be a State or an official document.

And it shows further that the original document was written in Japanese and not in English.

MR. SANDUSKY: May I respond?

ACTING PRESIDENT: The objection is sustained.

MR. CAUDLE: I will then read that part of exhibit 3590 as permitted by the Tribunal.

"Sworn Deposition

"Deponent, UNO, Masuko

"I, UNO, Masuko, having sworn as shown in the attached written oath, depose and state as follows:

"After being graduated from the University of London, where I became conversant with the English language, I became a Shokutaku (TN: an official not on the regular staff) of the Foreign Ministry. Later I became a regularly employed secretary of the Japan Foreign Affairs Association, a purely private organization with no connection whatsoever with the Government, publishers of a strictly English language magazine named 'Contemporary Japan.' After the death of Mr. INAHARA, Katsuji, the Editor-in-Chief of this magazine, on 27 December, 1946, I became his successor and now hold that position."

I now go to the last paragraph on page 3:

"The monthly circulation of said magazine in

UNO

DIRECT
CROSS

34,997

1 1940-41-42 varied between 1500 and 2000, and, as stated
2 before, it was strictly an English language magazine
3 and was never published in Japanese.

4 "At Tokyo, Japan, this 9 day of October, 1947"

5 You may examine the witness.

6 ACTING PRESIDENT: Mr. Sandusky.

7 MR. SANDUSKY: May it please the Tribunal.

8 CROSS-EXAMINATION

9 BY MR. SANDUSKY:

10 Q Miss UNO, as Editor-in-Chief of Contemporary
11 Japan, you are, of course, aware that the circulation of
12 the magazine, though small and being an English language
13 magazine, extends to the educated group in Japan including
14 the leading influential personalities in Japan; is that
15 not right?

16 MR. CAUDLE: If it please the Tribunal, I don't
17 want to make a foolish objection but I do object to that
18 in that there is no evidence before this Court that the
19 leaders of Japan spoke English. It would appear to me
20 that the so-called alleged leaders of Japan are now
21 in the prisoners dock, and a vast majority of those
22 people do not speak English.

23 ACTING PRESIDENT: Objection overruled.

24 BY MR. SANDUSKY (Continued):

25 Q Would you answer the question, Miss UNO, please.

1 A Yes, I can.

2 MR. SANDUSKY: I am sorry, I do not understand
3 whether the witness has answered or said she could
4 answer.

5 ACTING PRESIDENT: She said she could answer.

6 Q Please do so.

7 A From the outset this magazine was not published
8 for domestic distribution and therefore the domestic
9 circulation was very small. Generally its distribution
10 was directed toward the United States.

11 Q Was that true at the time of publication of
12 the article of Mr. SHJRA TORI's?

13 A If my recollection is correct, the distribution
14 in Japan was very small.

15 Q But the character of the distribution, Miss
16 UNO -- was it not considered to be read by the intelligentsia,
17 the more educated group in Japan?

18 A Unfortunately there were very few people in
19 Japan who read this magazine and I believe that that
20 was because the English language was not thoroughly
21 disseminated throughout the country.

22 MR. SANDUSKY: I have no further questions,
23 your Honor.

24 ACTING PRESIDENT: Any redirect examination?

25 MR. CAUDLE: No, sir; no questions.

UNO

1 May the witness be excused.

2 ACTING PRESIDENT: The witness will be excused
3 on the usual conditions.

4 (Whereupon, the witness was excused.)
5

6 - - -

7 MR. CAUDLE: I next call the witness MISHIMA,
8 Yasuo, in order to show the circumstances relating to
9 the contributed articles and lectures of SHIRATORI to
10 show he was not, properly speaking, a writer or lecturer,
11 but enjoyed some popularity due to his outspokenness and
12 indiscretion as a diplomat, and also to show the extent
13 of his illness, from the spring of 1941 to the spring of
14 1942, the most decisive times in the history of Japan,
15 and that from the beginning of his illness and thereafter
16 he had no part in the Government of Japan.

17 ACTING PRESIDENT: Please do not go to such an
18 extent in telling what the document is going to prove
19 where it is an affidavit. I can read the affidavit.

20 MR. CAUDLE: I have some additional questions,
21 sir, that I am going to ask him on direct examination.

22 ACTING PRESIDENT: We can judge what the evidence
23 proves whether it is by affidavit or by testimony on the
24 witness stand.
25

MISHIMA

DIRECT

35,000

1 Y A S U O M I S H I M A, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. CAUDLE:

7 Q Will you please state your name and address.

8 A My name is MISHIMA, Yasuo. My address is
9 No. 27, Kita Urawa-machi, Urawa City, Saitama Prefecture.

10 MR. CAUDLE: May the witness be shown defense
11 document 1717.

12 (Whereupon, a document was handed to
13 the witness.)

14 Q Will you please examine that document and tell
15 us whether or not it is your affidavit.

16 (The witness examined the document.)

17 ACTING PRESIDENT: Do you need to read the
18 whole affidavit word by word to identify it as yours?

19 A This is my affidavit without question.

20 Q Are the contents thereof true and correct?

21 A They are true and correct.

22 MR. CAUDLE: I offer in evidence defense docu-
23 ment No. 1717.

24 ACTING PRESIDENT: It will be admitted in
25 evidence.

MISHIMA

DIRECT

35,001

1 CLERK OF THE COURT: Defense document No. 1717
2 will receive exhibit No. 3592.

3 (Whereupon, the document above re-
4 ferred to was marked defense exhibit No. 3592
5 and received in evidence.)

6 MR. CAUDLE: I will now read this document.

7 "AFFIDAVIT

8 "Deponent, MISHIMA, Yasuo

9 "I, MISHIMA, Yasuo, hereby make affidavit as
10 hereunder mentioned, after taking an oath as appended
11 herewith following the established form in our country.

12 "I was born on March 15, 1896, in Yamanashi
13 Prefecture. After graduating from the Keio University
14 in 1920, I was employed by the Jiji Shimpō Newspaper.
15 In October 1932, I left the Jiji Shimpō and entered the
16 Manchukuo News Agency. I came back to Tokyo in October
17 of the next year and took to writing in newspapers and
18 magazines as a free lance. At the end of the year of
19 1940, while continuing my activities as a writer and
20 commentator, I established a special feature news
21 agency on my own account. Since the termination of the
22 war, I have given up all these activities and am now
23 engaged mainly in reading and study at home.

24 "1. I became acquainted with Mr. SHIRATORI,
25 Toshio in 1930 when he was Chief of the Information

MISHIMA

DIRECT

35,002

1 Bureau of the Foreign Office and I a staff member of
2 the Jiji Shimpō newspaper. From then until now, I
3 have remained one of his closest friends.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MISHIMA

DIRECT

35,003

K
a
p
l
e
a
u
&
Y
e
l
d
e
n

1 "Early in 1941, Mr. SHIRATORI borrowed from
2 an acquaintance quite a number of voluminous works
3 on Japanese national polity and Shinto mythology,
4 which had not been published before or had been pro-
5 hibited by the authorities concerned. He became so
6 deeply absorbed in the study of these books that he
7 not infrequently sat up all night. Partly on account
8 of this overwork and partly as a result of a bad cold
9 he had contracted in February, he became afflicted
10 with an obstinate insomnia. In spite of that he con-
11 tinued his study with unabated zeal until about the
12 20th of March when he was seized with what apparently
13 was an acute case of nervous debility accompanied by
14 somewhat alarming indications of mental abnormality.
15 I requested Professor Dr. MIYAKE Koichi of the Medical
16 Department of the Tokyo Imperial University, to accept
17 the treatment of Mr. SHIRATORI about the beginning of
18 April, 1941, but being himself too occupied at the
19 time, Dr. MIYAKE left the care of Mr. SHIRATORI to
20 his trusted friend, Dr. MURAMATSU, Tsuneo, Vice-
21 President of the Matsuzawa Psychiatric Hospital. The
22 patient's condition steadily worsened until it became
23 apparent that his was a very serious case indeed.
24 Dr. MURAMATSU therefore made arrangements for the
25 accommodation of Mr. SHIRATORI in the Komine Hospital,

MISHIMA

DIRECT

35,004

1 No. 389, Takinokawa, Tokyo, where he entered in the
2 middle of April, 1941. I learned from Mr. SHIRATORI
3 afterwards that he had completely lost consciousness
4 from the 9th of April and that it was only on the 28th
5 of April that he awakened to find himself in bed in
6 an unknown hospital. He left the hospital in the
7 middle of May, 1941, and Dr. MURAMATSU resumed his
8 service as his physician-in-charge. At the advice of
9 the doctor, Mr. SHIRATORI removed in the middle of
10 June 1941 to a seaside cottage at Hayama, where he
11 remained convalescing until April of the next year.
12 During most of that period, he was strictly prohibited
13 by the doctor from receiving visitors or reading
14 books, magazines and even newspapers. To the best of
15 my knowledge, Mr. SHIRATORI faithfully observed this
16 injunction, especially for the first six months of his
17 retired life. In these circumstances and seeing that
18 his condition was still far from satisfactory, it is
19 unthinkable that so early as July 1941 Mr. SHIRATORI
20 should have had interviews with a foreign ambassador
21 and engaged in a serious conversation on the inter-
22 national situation. (IPS document 4062-K, exhibit
23 1113 and IPS document 4025-D, exhibit 800.)

24 "2. About the time of the general election
25 of April 1942 Mr. SHIRATORI was not yet completely

MISHIMA

DIRECT

35,005

1 recovered from his illness. He had little inter-
2 course with the outside world and rarely saw anyone
3 beside his relatives and close friends. He was mostly
4 engaged in the study and practice of Shintoism. One
5 day, however, a number of young men from his native
6 province came to his house and asked him for permission
7 to use his name as a candidate in the coming election,
8 expressing their ardent desire to sweep away the long-
9 standing abuses of their constituency and by conduct-
10 ing a model campaign, set an example to the whole
11 nation. Mr. SHIRATORI did not take the matter
12 seriously at first, and flatly told the youngsters
13 that he felt no longer any interest at all in politics.
14 But by sheer force of zeal and importunity, they
15 finally prevailed upon him to comply with their desire.
16 It was on condition, however, that he was not himself
17 to take part in the election campaign, make no
18 speech nor even put in an appearance in his constituency,
19 and that moreover, being a man of scant means, he could
20 not bear any part of the expenditures involved. It
21 was only when rival candidates contended that
22 Mr. SHIRATORI was so ill that he could not even come
23 down to his native place, that his friends requested
24 him to make a speech or two if only to counter this
25 hostile propaganda. He had to consent although with

MISHIMA

DIRECT

35,006

1 much reluctance. He was then very weak but somehow
2 managed to address several gatherings. He mainly
3 talked about Shintoism and national polity, dwelling
4 almost in passing on current questions of diplomacy
5 and of war. As election speeches in wartime, they
6 were rather uncommon and quite a surprise to many
7 among his hearers. Having been myself in charge of
8 his election business at that time, I am very well
9 aware of all these facts.

10 "3. At this general election, Mr. SHIRATORI
11 was one of the so-called recommended candidates, but
12 it was a matter arranged between his supporters and
13 the prefectural branch of the recommending body, and
14 he was not himself concerned in it at all but only
15 learned about it afterwards. When he got elected,
16 Mr. SHIRATORI, as a 'recommended' member of parliament,
17 almost automatically became a member of the Imperial
18 Rule Assistance Political Society and was also nominated
19 a member of the Board of Directors of the Society.
20 Mainly for reasons of health, he did not engage him-
21 self in any political activities either as a director
22 of the IRAPS or as a member of parliament. In the
23 early summer of 1943, he was relieved of his seat in
24 the directorate of this political society from which
25 he completely withdrew soon afterwards.

1 "4. It may be said in sum that the serious
2 illness with which he was seized in the spring of
3 1941, brought about a marked change in Mr. SHIRATORI's
4 character and outlook, drawing him more deeply into a
5 domain of spirituality and religion. He gradually
6 ceased to have anything to do not only with government
7 and general political circles, but with most of his
8 friends of many years' standing. I can bear testimony,
9 as one of the few friends remaining close to him to
10 the last, that during the entire period of World War II,
11 Mr. SHIRATORI concerned himself very little with
12 affairs of this workaday world.

13 "5. Lastly, I may be permitted to give a
14 brief account of Mr. SHIRATORI's activities as a
15 writer and lecturer. Having undertaken from time to
16 time the task of putting in order and compiling the
17 writings and lectures of Mr. SHIRATORI, I am well
18 acquainted with the circumstances under which he wrote
19 or made speeches. He contributed articles to journals
20 or delivered lectures at public gatherings only after
21 being repeatedly and urgently requested by people con-
22 cerned. I do not recollect a single instance of his
23 doing these things unsolicited or of his own accord.
24 He made his speeches invariably without a manuscript.
25 When their stenographic records were presented to him

1 afterwards for publication, he usually made ample
2 corrections. As for his articles appearing in
3 journals, it was very seldom if ever that he wrote
4 anything himself. He would generally dictate or just
5 freely talk to representatives of newspapers or maga-
6 zines who called on him with stenographers. In most
7 cases the records were presented to him for correction
8 and amplification before being printed for publication.
9 Mr. SHIRATORI was not, properly speaking, a writer or
10 lecturer nor was he ever known as such. His writings
11 and lectures, however, seemed to enjoy a certain
12 amount of popularity and were therefore sought after
13 by journalism, mainly because he was generally con-
14 sidered as one of the most outspoken and perhaps in-
15 discreet of our bureaucrats and diplomats. After
16 coming home from Sweden in 1936, he held no responsible
17 position in the government at Tokyo, having been placed
18 on the waiting list for several years except for a
19 brief space as Ambassador to Rome.

20 "He used to say in those days that he could
21 give utterance to his own thoughts all the more freely
22 because, although nominally still a diplomat, he was
23 not admitted into knowledge of state secrets or govern-
24 ment policies.

25 "In reply to the criticism expressed in some

1 quarters about some of his utterances being too out-
2 spoken, Mr. SHIRATORI once told me as follows: 'In
3 these days of dictators everywhere who do not believe
4 in mincing words, the diplomatic axiom of fortiter in
5 re, suaviter in modo (strongly in deed, gently in
6 manner) will perhaps have to be reversed. On the
7 eve of the Russian War of 1904-1905, Foreign Minister
8 Mr. KOMURA asked the opinion of his American adviser,
9 Mr. Dennison, about a draft of Japan's answer to a
10 stiff Russian note. Mr. Dennison said that if Japan
11 meant war, the language must be soft and mild. Mr.
12 KOMURA told him to tone down the Japanese note as far
13 as possible. This has become almost a classic in the
14 Japanese Foreign Office. Since, however, we do not
15 today want war with any country, it might be per-
16 missible or even advisable to indulge in outspoken
17 language every now and then.'

18 "In the building of the International Military
19 Tribunal for the Far East in Tokyo, on May 28, 1947.

20 "Deponent MISHIMA, Yasuo."

21 I would like to ask the witness several
22 additional questions if I may.

23 Q Mr. MISHIMA, SHIRATORI contributed articles
24 and delivered lectures after his return from Rome in
25 the fall of 1939. Did he ever tell you or not that he

did it in his private capacity?

1 MR. SANDUSKY: May it please the Tribunal,
2 objection is made to that question on the ground of
3 immateriality. I may note that earlier in these
4 proceedings in this phase frequent reference has been
5 made to the distinction between actions in a private
6 capacity and actions in an official capacity. In
7 our submission, Mr. President, if any act contributes
8 to the conspiracy or is covered by any of the charges
9 in the Indictment, it is immaterial whether he did so
10 in an official capacity or in his private capacity.

11 MR. CAUDLE: May it please the Tribunal, if
12 Mr. Sandusky's contentions are correct then I would
13 venture to say that perhaps one-half of the people of
14 the United States today would be under indictment for
15 some such charge as this.

16 ACTING PRESIDENT: That is no answer to his
17 objection.

18 MR. CAUDLE: We contend there is a grave
19 difference between a man speaking officially on a
20 state matter for his government and a man speaking
21 individually and expressing his own personal views.

22 ACTING PRESIDENT: Objection sustained.

23 Q Do you know of a newspaper "Ars"?
24

25 A I do not know.

Q The Ars Publishing Company?

1 A Yes, that I do know.

2 Q Do you know the circulation of the magazine
3 "Diamond" in the middle of 1940?

4 A The circulation of such magazines were
5 generally kept secret; however, the general estimate
6 of the circulation of this magazine as it was known
7 publicly was about 10,000.

8 Q Do you know anything regarding the circulation
9 of the magazine "Kokumin-Hyoron" (National Review) in
10 1940?

11 A I think about 1000 to 1500.

12 Q Is that monthly, daily or weekly?

13 A Monthly.

14 Q Do you know anything regarding the circula-
15 tion of the magazine "Dai-Asia-Shugi" (Greater Asia
16 Magazine) in 1940?

17 A Generally, in my recollection, it was about
18 2000.

19 Q When you give us these estimates will you
20 please state whether monthly, weekly or daily? How
21 was the "Dai-Asia-Shugi" published; in what period?

22 A The magazine was being published in 1940 and
23 I think the period before and after ranged about ten
24 years.
25

1 Q Was it published weekly, monthly or daily?
2 That is what I am trying to get at.

3 A This was a monthly.

4 Q Do you know anything relative to the circu-
5 lation of the magazine "Gendai" (Today) in the middle
6 of 1942?

7 A The "Gendai" was a monthly magazine in
8 circulation from somewhere between twenty and thirty
9 thousand.

10 Q Please tell us, if you know, how large was
11 generally the audience in public gatherings at which
12 SHIRATORI delivered lectures.

13 A Oh, anywhere from ten some odd persons as
14 constituting a very small audience up to some seven
15 or eight hundred.

16 MR. CAUDLE: You may examine the witness.

17 MR. SANDUSKY: May it please the Tribunal,
18 there will be no cross-examination.

19 MR. CAUDLE: May it please the Tribunal, I
20 am referring now to defense document No. 319--

21 May the witness be excused?

22 ACTING PRESIDENT: He may be excused on the
23 usual conditions.

24 (Whereupon, the witness was excused.)
25

1 MR. CAUDLE: As I was saying inadvertently,
2 I next wish to present the affidavit of Doctor
3 MURAMATSU, Tsuneo, which is defense document 319.

4 By agreement with the prosecution this wit-
5 ness is not present, inasmuch as they, upon reading
6 the affidavit, had no desire to cross-examine him.

7 ACTING PRESIDENT: It will be admitted in
8 evidence.

9 CLERK OF THE COURT: Defense document No.
10 319 will receive exhibit No. 3593.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 3593 and received in evidence.)

14 MR. CAUDLE: I will now read exhibit No.
15 3593, the affidavit of MURAMATSU, Tsuneo.

16 "I, MURAMATSU, Tsuneo, being first duly sworn
17 according to the customary formality in this country,
18 depose and state:

19 "I am Vice Director of the Matsuzawa Psychiat-
20 ric Hospital, No. 1048, 3-Chome, Kami-Kitazawa-machi,
21 Setagaya-ku, Tokyo, besides being a lecturer at the
22 Medical Faculty of the Tokyo Imperial University
23 as well as a professor of the Tokyo Medical College.

24 "Along with Kr. K. MIYAKE, Professor of the
25 Tokyo Imperial University, I was first asked to ex-

1 amine Mr. SHIRATORI, Toshio on April 12, 1941, at
2 his residence at Aoyama Takagicho, Tokyo. With
3 the help of entries in my pocket diary, I am able to
4 remember the following in regard to his conditions
5 at the time and for some time afterwards:

6 "According to Mrs. SHIRATORI and his close
7 friends, Mr. SHIRATORI for a month or two previous
8 to my examination, had been suffering from sleep-
9 lessness and excitability as a result of being too
10 deeply absorbed in reading books on religious sub-
11 jects. About the 5th of April he began to show marked
12 signs of exhaustion from overwork, and from the night
13 of April 8 indications of a mental derangement be-
14 came apparent. On April 10 he took no food but only
15 drank water and could not sleep at all. Mr. FUSE, the
16 patient's younger brother and a medical practitioner,
17 gave him two injections of Narcopon-Scopolin 0.5 c.c.
18 On April 11 he was able to take some food and was
19 quiet during the daytime, but towards evening fell
20 again into a state of excitement, apparently having
21 visual hallucinations, too. Once more an injection
22 of Narcopon-Scopolin, this time 1.1 c.c., was given
23 him, which made him sleep for about six hours.

24 "Dr. MIYAKE and myself visited him on the day
25 following (April 12). We found him physically much

1 weakened from want of sleep and nutrition and his
2 voice almost entirely lost, however, with little
3 indication otherwise of bodily ailment. Mentally,
4 he was in a considerably acute state of manic excite-
5 ment, lacking correct orientation, with clouded con-
6 sciousness and a certain degree of hallucination.
7 In a word, he was in a state of so-called delirium.
8 I diagnosed it as a manic state of manic-depressive
9 psychosis. Dr. MIYAKE fully agreed with me in this
10 diagnosis. In passing it may be remarked that this
11 is the sort of mental disease which is recorded as
12 having occurred in geniuses like Goethe.

13 "We gave a prescription for sedatives, vita-
14 mins, peptics and laxatives, and at the same time
15 made arrangements with the Komine Psychiatric Hospital,
16 No. 889, Nishigehara-machi, Takinogawa-ku. Tokyo,
17 for his reception at a short notice. As it became
18 clear in the course of a few more days that treat-
19 ment at home was no longer possible, Mr. SHIRATORI
20 was sent to the said hospital on the 16th of April,"
21 that is, 1941.

22 "I do not know much about Mr. SHIRATORI's con-
23 dition at the hospital, the only entry in my diary
24 being to the effect that on the 25th of April I was
25 informed that Mr. SHIRATORI had at last recovered

1 his consciousness. Since that date he seemed gradu-
2 ally to have improved until it was thought possible
3 again to treat him at home. He was allowed to leave
4 the hospital on May 10. I saw him for the fourth
5 time on the day following. I found his mental condi-
6 tion now remarkably settled but a state of excite-
7 ment was still present. He did not yet sleep well
8 and was, moreover, suffering from beri-beri. Since
9 that date, I administered his treatments as physician
10 in charge. The prescription he had brought home from
11 the hospital was 'sulfonal 1.0 gram, Chloral-hydrate
12 1.0 gram per day. It was clear from this that his
13 lack of appetite and constipation were the result of
14 taking these sedatives, but his mental condition
15 was still such that it was necessary for him to con-
16 tinue taking that amount of these drugs daily.

17 "I decided to follow this prescription with
18 the addition of some Vitamin B and C, while minutely
19 examining the patient's urine. Later I changed sul-
20 fonal for veronal 0.5 gram and lessened chloral hy-
21 drate from 1.0 to 0.5 gram. On May 25 I stopped
22 chloral-hydrate and on June 7 applied brovalin 0.5
23 instead of veronal. On June 14, however, I had to
24 increase brovalin from 0.5 to 1.0 gram and to a dose
25 of veronal 0.5 in addition.

"If only judging from these prescriptions
1 it is clear that as late as the middle of June the
2 patient's condition was still such to necessitate the
3 application of a considerable amount of sedative.
4 In view of these unsatisfactory circumstances follow-
5 ing his return from the hospital, I strictly cautioned
6 the patient and his family against receiving visits
7 and taxing his mind with questions concerning inter-
8 national situations and against reading anything, not
9 excepting magazines and newspapers. It was in order
10 to facilitate the practice of such a strict seclusion
11 treatment that I advised Mr. SHIRATORI to remove to
12 a seaside cottage at Hayama, although that involved
13 much inconvenience to the physician in charge. My
14 last visit down to Hayama was on the 13th of August
15 1941. Mr. SHIRATORI at that date could hardly be
16 regarded as 'completely cured,' but I decided to dis-
17 continue my visits in the thought that so long as
18 my advice was strictly followed by the patient and
19 his family, expert help could now be safely dispensed
20 with, barring an unexpected change or relapse. Be-
21 fore quitting I did not fail to renew my advice to
22 him and his family to use special care to concentrate
23 all their efforts on recuperation for at least half
24 to one year, refraining from all official work or
25

1 political activities, and having as little as possible
2 to do with the outside world generally. I emphasized
3 the particular importance of guarding against a re-
4 lapse which was apt to occur in a case like his with-
5 in one half to one year of apparent recovery. I
6 learned from his family that my counsel was being
7 faithfully acted upon by the patient.

8 "For the rest, I find in my diary an entry
9 to the effect that I had a message from a friend of
10 Mr. SHIRATORI's that about the 23rd of December 1941,
11 after a visit to the Grand Shrine at Ise, Mr. SHIRA-
12 TORI had a slight relapse and was again suffering
13 from lack of sleep.

14 "I have, however, no recollection of having
15 been asked to examine his condition about that time
16 or afterwards.

17 "This 22nd day of December 1946, at my house,
18 No. 304, 4-Chome, Tokyo."

19 I would like to make references, as to his
20 illness, in regard to what appears in the record, if
21 it is permissible. Not to read it but to make the
22 reference.

23 ACTING PRESIDENT: If there is no objection
24 by the prosecution, you may do so.

25 MR. SANDUSKY: Mr. President, I feel that it

1 is necessary to object. That seems properly a matter
2 for summation and argument.

3 MR. CAUDLE: I don't insist.

4 I next call the witness ARIMA, Yoriyasu to
5 show that SHIRATOPI played no important part in the
6 Imperial Rule Assistance Association.

7 - - -

8 Y O R I Y A S U A R I M A, called as a witness
9 on behalf of the defense, being first duly
10 sworn, testified through Japanese interpreters
11 as follows:

12 DIRECT EXAMINATION

13 BY MR. CAUDLE:

14 Q Will you please state your name and address?

15 A My name is ARIMA, Yoriyasu, and my address
16 is No. 70, Sekine-Cho, Suginami-ku, Tokyo.

17 MR. CAUDLE: May the witness be shown defense
18 document 2717?

19 (Whereupon, a document was handed
20 to the witness.)

21 Q Please examine that document and tell us
22 whether or not it is your sworn affidavit.

23 A This is my affidavit.

24 Q Are the contents thereof true and correct?

25 A Yes.

ARIMA

DIRECT

35,020

1 MR. CAUDLE: I now offer in evidence defense
2 document 2717.

3 ACTING PRESIDENT: Admitted in evidence.

4 CLERK OF THE COURT: Defense document No.
5 2717 will receive exhibit No. 3594.

6 (Thereupon, the document above
7 referred to was marked defense exhibit
8 3594 and received in evidence.)

9 MR. CAUDLE: I will now read this exhibit.

10 "SWORN DEPOSITION. Deponent: ARIMA, Yoriyasu.

11 "I, ARIMA, Yoriyasu, being first duly sworn
12 according to the customary formality in this country,
13 depose and state:

14 "1. At the time of the second KONOYE Cabinet,
15 on August 22, 1940, I was nominated a member of the
16 Arranging Committee for the New National Structure which
17 was then being proposed. On the basis of the report
18 of that Committee the so-called Imperial Rule Assist-
19 ance Association was organized, and upon its inaugura-
20 tion, on October 12, 1940, I was nominated one of the
21 Managing Directors and concurrently became the
22 Secretary-General and the Chief of the General Sec-
23 tion of the Central Bureau of the Association. I
24 resigned these posts on the 28th of March, 1941, when
25 the Association was reorganized.

1 "2. The Arranging Committee was mainly com-
2 posed of representatives of various non-official
3 circles, but the actual work of arranging the proposed
4 association was chiefly done by a Managing Secretariat,
5 consisting of the Chief Secretary of the Cabinet, the
6 Chief of the Legislative Bureau of the Cabinet, the
7 Vice-Chief of the Planning Board, the Vice Minister
8 for Home Affairs, etc. The Arranging Committee was
9 disbanded on September 17, 1940, after completing
10 its labours of arranging the framework of the Imperial
11 Rule Assistance Association.

12 "Mr. SHIRATORI, Toshio was among those who
13 were originally invited by Prince KONOYE to form the
14 Arranging Committee for the New Structure, but he
15 did not take any active part in the discussions of
16 the Committee. In fact, he generally absented himself
17 from its meetings.

18 "3. On the occasion of the inaugural cere-
19 mony, on October 12, 1940, Premier Prince KONOYE,
20 the President of the Association, said that the pur-
21 pose of the Imperial Rule Assistance Association
22 consists purely and simply in 'fulfillment in a
23 practical way of our duties as His Majesty's loyal
24 subjects,' and that he had therefore no program or
25 declaration to offer for the Association. From the

1 beginning it was conceived of as a public association
2 as distinguished from political parties, aiming as it
3 did at organizing the entire nation in such a manner
4 as to enable them more loyally and effectively to
5 discharge their duties as Imperial subjects. Prince
6 KONOYE, on several occasions, clearly stated that
7 the Association was sharply to be distinguished in
8 character from the one-party system of the totalitarian
9 countries of Europe.

10 "The officials of the Association were the
11 President (the then Prime Minister), Advisors (Cabin-
12 et Ministers of the time and a few specially named
13 persons), Directors (numbering about forty, of whom
14 about a dozen were managing directors), and the per-
15 sonnel of the Central Bureau comprising the Secretary-
16 General, Chiefs of Sections, etc. In practice, the
17 business of the Association was mainly undertaken by
18 the Managing Directors, the Secretary-General, and the
19 other principal members of the staff of the Central
20 Bureau. In addition, there was the Central Co-opera-
21 tion Conference, as an organ of the Association, con-
22 sisting of one hundred six (106) representatives of
23 local branches in prefectures and big cities, as well
24 as fifty (50) representatives of the press, finance
25 and science, etc., which was called in sessions now

1 and then at the Headquarters of the Association at
2 Tokyo.

3 "4. Mr. SHIRATORI was nominated an ordinary
4 (not managing) director, but I do not recollect that
5 he ever attended any of the meetings of the Directorate
6 or otherwise played any active part in connection
7 with the activities of the Association. In fact, his
8 activities in the organization were so inconsequential
9 that it was not until I was requested by his counsel
10 to make a deposition in regard to his activities in
11 the organization that I remembered that at one time
12 he was a member of the Arranging Committee and an
13 ordinary director of the Imperial Rule Assistance
14 Association.

15 "5. When the Association was reconstructed
16 in the spring of 1941, I tendered my resignation,
17 together with all the directors. While most of the
18 directors decided by April 30 to retract their resig-
19 nations, I left my post along with several directors.
20 Mr. SHIRATORI was among those who resigned, and in-
21 asmuch as he was seriously ill thereafter, he never
22 took any step to retract his resignation, as did
23 various others, but remained completely out of the
24 organization.
25

"This 9th day of October, 1947, at Tokyo,

ARIMA

DIRECT
CROSS

35,024

Japan.

1 "Signed: ARIMA, Yoriyasu."

2 The prosecution may examine.

3 MR. SANDUSKY: May it please the Tribunal.

4 ACTING PRESIDENT: Mr. Sandusky.

5 CROSS-EXAMINATION

6 BY MR. SANDUSKY:

7 Q Mr. ARIMA, you state in your affidavit that
8 the Arranging Committee was composed of representa-
9 tives of various non-official circles.
10

11 A Yes, I did.

12 Q Did these non-official circles include the
13 various fields of government and national life?

14 A My recollection is that, generally speaking,
15 people from various walks of life were represented.

16 Q Is it not a fact that Mr. SHIRATORI was the
17 only committee member listed as representing the
18 Foreign Office?

19 A Well, I don't know why and how the members
20 of the Preparatory Committee were selected, but my
21 recollection is that Mr. SHIRATORI was not selected
22 as a member of the committee because he was a member
23 of the Foreign Office -- as a representative of the
24 Foreign Office.

25 Q That does not quite answer my question. The

1 point is, was he listed or considered as a representa-
2 tive of the Foreign Office in the Arranging Committee?

3 MR. CAUDLE: Your Honor, I would like to
4 object to that. He just said the fact that he was a
5 member of the Foreign Office had no bearing upon his
6 appointment or election to that office.

7 ACTING PRESIDENT: That wasn't the question
8 asked. The objection is overruled.

9 BY MR. SANDUSKY:

10 Q Will you answer, please?

11 A I could not quite comprehend the last question.

12 Q May I phrase it this way? If a list were to
13 be made of the Arranging Committee so as to indicate
14 what branch or field of the national life they repre-
15 sented, was it not true that Mr. SHIRATORI was listed
16 as representing the Foreign Office?

17 ACTING PRESIDENT: I suggest that you reframe
18 that question and ask it after the recess.

19 We will recess for fifteen minutes.

20
21 (Whereupon, at 1445, a recess was taken
22 until 1500, after which the proceedings were
23 resumed as follows:)
24
25

M
O
R
S
E
&
W
h
a
l
e
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Sandusky.

4 MR. SANDUSKY: Mr. President, upon checking
5 with the court reporter I find that it will not be
6 necessary to press my last question, and I have no
7 further cross-examination.

8 ACTING PRESIDENT: Mr. Caudle.

9 MR. CAUDLE: May the witness be excused on
10 the usual terms?

11 ACTING PRESIDENT: He will be excused on
12 the usual conditions.

13 (Whereupon, the witness was
14 excused.)

15 - - -

16 MR. CAUDLE: 62 and 63 have been deleted.
17 I next call the defendant SHIRATORI, Toshio.
18
19
20
21
22
23
24
25

1 T O S H I O S H I R A T O R I, an accused, being
2 first duly sworn, testified through Japanese
3 interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. CAUDLE:

6 Q Will you please state your name?

7 A SHIRATORI, Toshio.

8 Q Are you one of the defendants in this trial?

9 A Yes.

10 MR. CAUDLE: May the witness be shown defense
11 document No. 2878?

12 (Whereupon, a document was handed
13 to the witness.)

14 Q Will you please examine that document and tell
15 us whether or not it is your sworn affidavit?

16 A This is my affidavit.

17 Q Are the contents thereof true and correct?

18 A Yes.

19 MR. CAUDLE: I offer in evidence defense docu-
20 ment No. 2878.

21 ACTING PRESIDENT: It will be admitted in
22 evidence.

23 * CLERK OF THE COURT: Defense document No. 2878
24 will receive exhibit No. 3595.

25 (Whereupon, the document above

SHIRATORI

DIRECT

35,028

1 referred to was marked defense exhibit
2 No. 3595 and received in evidence.)

3 MR. CAUDLE: I will now read the aforesaid
4 document:

5 "Sworn Deposition.

6 "Dependent: SHIRATORI, Toshio.

7 "I, SHIRATORI, Toshio, being first duly sworn
8 according to the customary formality in this country,
9 depose and state:

10 "1. I was born in 1887, in an obscure farm
11 village some fifty miles from Tokyo, and after receiv-
12 ing an education, extending over twenty years, I entered
13 the diplomatic service immediately on graduation from
14 the Tokyo Imperial University in July, 1914. I continued
15 in that service for twenty-seven years almost to a day,
16 when I resigned as adviser of the Foreign Office in July,
17 1941. Of that official career I spent four and a half
18 years in the United States as Secretary of the Embassy;
19 three and a half years in China as Vice-Consul (Hongkong)
20 and Secretary of the Embassy (Peking); two years in pre-
21 Hitlerite Germany as Secretary of the Embassy; three
22 years in Scandinavia as Minister, and eight and a half
23 months in Italy as Ambassador. The rest of my service
24 was in the Foreign Office at Tokyo, as Secretary, Chief
25 of Sections, Director of the Information Bureau, and

1 finally as Adviser. None of these positions which I
2 held, both at home and abroad, carried any policy-
3 making authority. All my activities in office were,
4 therefore, bound to be along the line of the policy
5 adopted by the government of the day.

6 "2. The decade and a half between the World
7 War I and the Manchurian Affair of 1931 was a period
8 during which Japan pursued consistently and scrupulously
9 a policy of peace and of cooperation with foreign
10 nations, especially with the Anglo-Saxon countries.
11 That was commonly called in this country the SHIDEHARA
12 Diplomacy of Conciliation, of which, as a career dip-
13 lomat, I was, of course, a faithful votary. Having
14 been present both at the Washington Conference of 1921-
15 22 and at the Geneva Naval Conference of 1927, and
16 having been admitted into the inner councils of the
17 Foreign Office as a bureau chief during the London
18 Naval Conferences of 1929-30, I was considered as one
19 of the disarmament experts in the Foreign Office.

20 "3. The Manchurian Incident of September 18,
21 1931, was a bolt from the blue to the officials of the
22 Foreign Office from Minister SHIDEHARA down, who under
23 this rude shock did not, for a moment, know how to cope
24 with it. As was usual in such a case, the government
25 adopted and published a policy of non-aggravation and

1 speedy local settlement. At the instruction of the
2 Foreign Minister, the Information Bureau, of which I
3 was Chief, did all it could in its attempt at mobiliz-
4 ing the public opinion in favor of a peaceful adjustment
5 of the affair, but the press, which until then had
6 generally been supposed to be sympathetic to the For-
7 eign Office, did not this time so willingly respond
8 to our appeal as at the time of the London Disarmament
9 Conferences, when, with their support, the government
10 could carry the treaty through in the face of strong
11 opposition at home. The change of the general atmos-
12 phere seemed almost instantaneous. Thus with a press
13 and public opinion ranged on the side of strong policy,
14 the Foreign Minister and his subordinates had a diffi-
15 cult time of it in their endeavor to live up to the
16 traditions of their department. What added to the com-
17 plexity of the matter was that the Manchurian Affair
18 soon ceased to be a mere question of diplomacy, but
19 became an important political issue at home in Japan.
20 Just as the Treaty of Commerce concluded with Commodore
21 Perry by the Tokugawas was seized upon by the advocates
22 of the Meiji Restoration as an effective handle of
23 attack upon the tottering Shogunate, so the so-called
24 'weak-kneed' policy of Baron SHIDEHARA was utilized
25 by various reformist elements who had been demanding

1 a fundamental reconstruction of the capitalist liberal
2 government of 'corrupt' politicians and political
3 parties. That the birth of the new state of Manchukuo
4 with its Utopian programs commanded at first such wide-
5 spread popularity and sympathy in Japan can only be
6 properly appreciated in the light of this peculiar
7 circumstance at home. In such a situation it was, after
8 all, but little that the Foreign Office, so without
9 resource or power in internal political affairs, could
10 do to influence the course of events one way or another.
11 I was only a Bureau Chief in that department. Although
12 foreign correspondents chose to refer to me as the
13 'spokesman' of the Foreign Office, my main business
14 was nothing more than handing out news items to them
15 from day to day. Statements and declarations of policy
16 by the government concerning foreign affairs were
17 published through my Bureau, but it was merely part of
18 the routine belonging to that office.

19 "4. After serving three years as Minister to
20 the four Scandinavian countries, I was recalled and
21 placed on the waiting list in 1936. I neither sought
22 nor was offered any new assignment for nearly two
23 years. During that time I seldom, if ever, visited
24 the Foreign Office and had no access to official docu-
25 ments and information in its possession. About the

1 China war I knew as much or as little as ordinary readers
2 of newspapers, either in regard to the circumstances
3 leading to its outbreak or to the measures which the
4 government was adopting, one after another.

5 "In August, 1938, Foreign Minister UGAKI
6 wanted me to call on him at his official residence and
7 asked me if I would go to Rome as ambassador. It was
8 a promotion indeed, but it did not at all appeal to
9 me. By that time the China affair had become the all-
10 absorbing question, the quick solution of which was
11 eagerly hoped for by the entire nation. At such a time
12 the idea of again serving in faraway Europe, and that
13 in a country about which I knew so little and with
14 which Japan had practically nothing to do, was rather
15 repugnant to me. So I declined at first, but General
16 UGAKI insisting, I promised him that I would think the
17 matter over. Since I had reason to believe that it was
18 Prince MONOYE who had recommended me to General UGAKI,
19 I thought fit to consult him about the matter. The
20 Premier advised me to accept the mission, if only to
21 'qualify myself', as he put it, for the portfolio
22 of Foreign Affairs in the future. He told me, moreover,
23 that, unlike in Stockholm, I would this time find some-
24 thing doing in Rome. I learned from him for the first
25 time that there was talk of a rapprochement between

1 Japan and the Axis powers. He said that he was not
2 enamoured of the idea himself but that in as much as
3 direct negotiation with Chiang Kai-shek had so far proved
4 almost useless, some other diplomatic means had to be
5 sought to quickly dispose of the China mess. In his
6 opinion, a friendly intervention by England and America
7 was the greatest desideratum, but nothing short of a
8 possible alignment of Japan with the Axis would cause
9 them to modify the anti-Japanese attitude they had
10 maintained ever since the Manchurian imbroglio. I con-
11 cluded from all he had told me that at that moment it
12 was not so much the actual rapprochement with Germany
13 and Italy that he really desired as the effect that
14 such a gesture on Japan's part would have on England
15 and America in regard to their Far Eastern policy. I
16 felt I could agree in principle to Prince KONOYE's
17 foreign policy thus outlined to me on this occasion,
18 so I finally decided to accept the Italian mission.

19 "As for General UGAKI, he did not so much
20 as mention to me the proposed Axis treaty, neither did
21 his successor, Mr. ARITA, give me any instruction at
22 all regarding this matter before my departure from
23 Tokyo. In point of fact, the whole question seemed to
24 be still in a nebulous condition, no definite decision
25 having been reached by the government as yet. There

1 was very little in the way of documentary information
2 in the Foreign Office bearing on this matter, and the
3 high officials of the department were still left entire-
4 ly in the dark about it. Besides the above mentioned
5 talk with Prince KONOYE, I did not discuss the matter
6 with anyone in responsible position, including to the
7 best of my recollection the new Foreign Minister,
8 ARITA, himself. It will be clear from the above that
9 it is not correct to say that, as the prosecution con-
10 tends (exhibit 498, record page 6,083), I was appointed
11 to Rome for the specific purpose of negotiating an
12 alliance. Installed as Ambassador in September, 1938,
13 I did not leave for my post until late in November, and
14 then I chose the slow route of travel via Suez. It
15 was as late as the 29th of December, 1938, that I
16 arrived at Rome, without any special instruction or even
17 sufficient information about the proposed treaty with
18 Germany and Italy. Soon after I reached my destination
19 I learned of the resignation of Prince KONOYE. I
20 gathered that, astute statesman as he was, he saw
21 difficulties ahead for his cabinet on account of the
22 contemplated rapprochement with the Axis. As to his
23 successor, Baron HIRANUMA, I do not remember ever
24 meeting him before I left Japan and I certainly had no
25 knowledge or information about his diplomatic views.

SHIRATORI

DIRECT

35,035

1 The entry in Count Ciano's diary (exhibit 499-A,
2 record page 6,092) to the effect that I told the Italian
3 Government that the new Premier was openly in favor of
4 the alliance, is not true.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 "5. I made my first call on the Italian
2 Foreign Minister on the 31st of December, 1938, to
3 acquaint him of my arrival and to ask him to arrange
4 for the presentation of my Letters of Credence to the
5 King. I also requested that at a proper time I might
6 be permitted to pay my respects to Premier Mussolini.
7 As a matter of course, we did not on this occasion
8 discuss any political questions. The next time I saw
9 Count Ciano was on the 6th of January, 1939, when he
10 presented me to the Premier, himself acting as inter-
11 preter between us. As I had no instructions either
12 of the KONOYE Cabinet or of the new HIRANUMA Cabinet,
13 and, moreover, as I was not qualified to act as Ambassa-
14 dor, my credentials not having been presented yet, I
15 was rather embarrassed at this unexpectedly early
16 opportunity of meeting the Italian Premier. I had
17 decided within me that the safest thing to do was to
18 listen. That precaution on my part proved unnecessary,
19 however, for Mussolini did all the talking and would
20 scarcely allow me to say anything beyond chiming in
21 occasionally. The entry in Count Ciano's diary for
22 January 7, 1939 seems to attribute to me, whether by
23 mistake or otherwise, some of the things said by his
24 father-in-law on that occasion. Nothing that I gave
25 them to understand warrants the statement contained in

1 exhibit 499-A, record page 6,092, that I was greatly
2 in favor of the alliance which I regarded as a weapon
3 to force Great Britain to concede 'the many things
4 she owed to us all.' I may be permitted to point out
5 that the clause in quotations strongly reminds one of
6 Mussolini who used to call Italy 'the prisoner in the
7 Mediterranean' and who blamed that on Great Britain.

8 "What I remember clearly to this day about
9 this interview is that Mussolini seemed to me to be
10 laboring under the mistaken idea that as far as Germany
11 and Japan were concerned, there was then a complete
12 agreement and no difficulty, and that it was only
13 Italy's indecision, that had so far been retarding
14 the fruition of a tripartite arrangement. He said
15 that Italy now wanted a speedy conclusion of the pro-
16 posed treaty and that he saw no reason why it should
17 not be done within a few weeks. Fully aware that
18 there was at that moment no definite decision reached
19 by Tokyo, and forewarned by the resignation of Prince
20 KONOYE, I tried as best I could to discourage the
21 Italian Premier's taking too much for granted con-
22 cerning Japan. That being the case, I could not pos-
23 sibly have assumed the forward attitude ascribed to me
24 by Count Ciano in the exhibit in question. That point
25 would be made abundantly clear if the telegraphic

1 report I sent home after that interview could be pro-
2 duced.

3 "In a later entry in his diary, exhibit 501,
4 record page 6,096, Ciano states that I 'advised him
5 not to accept the Japanese counter-proposal.' That
6 is a very unkind way of interpreting my words, which
7 I remember were merely to the effect that I was afraid
8 our counter-proposal would be unacceptable to him but
9 that he did not have to take it as the final word. As
10 to his statement that I told him of my intention to
11 tender my resignation in order to force the cabinet
12 to retire, exhibit 501, record page 6,096, not only
13 have I no recollection whatever, but it is ridiculous
14 on the face of it, for the resignation of an ambassa-
15 dor, only so short a time in office, who had no polit-
16 ical backing at home, could hardly have affected the
17 life of a cabinet, or have altered the foreign policy
18 of his government. Apparently he received some such
19 report from Tokyo where there seemed to be afloat
20 at the time various baseless rumors about the Tri-
21 partite negotiations.

22 "The basic idea that influenced me during the
23 whole course of the negotiation was that which was
24 borne in upon me as a result of my conversation with
25 Prince KONOYE described in the preceding paragraph,

1 Irrespective of whether the negotiation was to succeed
2 or not, I considered it of the first importance that
3 the fact that such pourparlers were going on between
4 Japan and the Axis Powers should become known to the
5 world, especially to America and England. I was,
6 therefore, on occasion intentionally outspoken or
7 indiscreet in my press interviews, generally assuming
8 an air of optimism even at moments when the success-
9 ful conclusion of the negotiation seemed more than
10 doubtful. That accounts in part for the reputation
11 I gained of being a staunch advocate of the Axis Pact,
12 which was out of all proportion to the actual role I
13 was permitted to play in the matter. At the same time
14 I felt that, although Baron HIRANUMA had replaced
15 Prince KONOYE, it was not impossible that the Tokyo
16 Government was also acting on a similar principle.
17 Ostensibly the discussions were to be conducted in the
18 strictest secrecy between the governments concerned,
19 but press reports from Tokyo showed that free publicity
20 was being given the matter by the Japanese authorities.
21 In fact, we learned incomparably more from unofficial
22 sources than from government telegrams to us concerning
23 what was going on in Tokyo. As we read history, that
24 is not the way important pacts of alliance are made by
25 nations.

1 "The prosecution states that I advocated, con-
2 trary to instructions, an all-out military alliance
3 without reservations with Germany and Italy, exhibit
4 501, record page 6,095. That is not true. The text
5 of the draft treaty accepted by all three nations
6 concerned at an early stage was a very weak and harm-
7 less document partaking more of the character of a
8 treaty of mutual consultation and assistance than of
9 a military alliance. I never for a moment imagined
10 that such a pact would by any means drag Japan,
11 against her will, into a war of Germany's or Italy's
12 making. Nor did I think that it would in the least
13 stand in the way of Japan concluding separate arrange-
14 ments with England and America concerning China and
15 the Far East. On the contrary, the existence of such
16 a pact, or its very possibility or imminence, was in
17 my opinion calculated to serve as a sort of leverage
18 in moving the Anglo-Saxon countries to reconsider their
19 Far Eastern policy, thereby making it possible for
20 Japan speedily to wind up, with their friendly coopera-
21 tion, the unfortunate conflict with China. As to the
22 accusation that I acted contrary to instructions from
23 my government, I can state with truth that there was
24 not a single instance of any such delinquency on my
25 part. It is true that I disagreed with my government

1 in regard to the secondary matter of reservations to
2 be attached to the text, and that I made more than once
3 energetic representations to the Foreign Minister.
4 But that belongs to the proper functions of an ambas-
5 sador and is clearly allowed by law.

6 "6. That the proposed treaty with the Axis
7 was to be primarily directed towards Soviet Russia
8 was a settled policy of the Japanese Government, and
9 there was no opposition to it in any quarters in Japan.
10 That point, however, seemed to me to have been made
11 sufficiently clear to Germany and Italy in the course
12 of the negotiation. The draft preamble of the Treaty,
13 defense exhibit No. 2619, left no room for doubt in
14 that respect. Not only did the text of the Treaty
15 explicitly limit the obligation of military assistance
16 to cases in which wanton attacks were made on the con-
17 tracting parties, but the reservations proposed by
18 Japan in regard to England and France were largely
19 accepted by Germany, the only point of difference that
20 remained to be adjusted narrowing down to whether these
21 reservations were to be committed to black and white,
22 or to remain an oral understanding. That appeared
23 to me such a trivial matter, after all, that it was
24 beyond my comprehension why the two governments con-
25 tested that point so stubbornly to the last. So far as

1 Germany was concerned, the conclusion by her of the
2 Non-Aggression Pact with Soviet Russia seems to offer
3 sufficient explanation in this regard. There is no
4 doubt that the Nazi Government made full use of the
5 proposed Japanese alliance in their diplomatic maneu-
6 vers in Moscow where they scored a temporary success
7 in nonplussing England and France by winning the
8 Soviets over to their side. But the statesmen in
9 Tokyo apparently took the whole matter too seriously
10 to think of a similar use being made of the Axis nego-
11 tiation in their approach to the United States and
12 Great Britain. Early in that year, around February
13 and March, I wired to my government more than once that
14 in my appraisal of the situation a rapprochement be-
15 tween Soviet Russia and Germany was quite possible and
16 that Japan must not forget the policy pursued by Kaiser
17 Wilhelm II, who abetted the Czarist Russia in her Far
18 Eastern adventures by guarantying her rear in the west.
19 My submission was entirely disregarded. In April 1939
20 von Ribbentrop intimated that if Japan hesitated too
21 long Germany might be driven to approach Soviet
22 Russia. But the Japanese Government took it for sheer
23 bluff; so impossible seemed the whole idea to them.
24 To my mind, however, the possibility of such a devel-
25 opment was always there. I, therefore, urged my

1 government not to attach too much importance to their
2 formula of reservations, inasmuch as the stipulations
3 contained in the text itself afforded ample guaranty
4 against involvement in an aggressive war in Europe,
5 which was extremely unlikely to be started by England
6 or France. I considered it of utmost importance for
7 Japan to avoid, by all means, a complete diplomatic
8 isolation which would render all the more precarious
9 the chance of an early settlement by diplomacy of the
10 China Affair. Unless there were a fair prospect of
11 coming to a satisfactory agreement with the Anglo-
12 Saxon countries in the meantime, the conclusion of the
13 Axis Pact for what it was worth seemed, in my judgment,
14 to be almost the only way of preventing such an
15 eventuality.
16
17
18
19
20
21
22
23
24
25

1 "7. When the worst that I had feared came
2 true, and the non-aggression pact between Germany and
3 Soviet Russia was concluded, I saw no sense in staying
4 any longer in Europe. My request for recall was granted
5 by the government. The prosecution cites a telegram by
6 the German Ambassador in Rome (exhibit 2232, record
7 page 16,003), in which I am represented as having assured
8 him of my continued efforts for the sake of German-
9 Japanese friendship. Could I have answered otherwise
10 to a diplomatic colleague who expressed to me his con-
11 cern about the effect my sudden recall at that particular
12 juncture might have upon the relationship between Japan
13 and the Axis? According to the same exhibit of the
14 prosecution, I am reported by the German Embassy in
15 Rome as stating that I would particularly welcome an
16 opportunity to have a detailed talk with the German
17 Foreign Minister on my homeward trip. I do not under-
18 stand how they could have put the matter in that way,
19 for to the best of my memory, it was Mr. Mackensen
20 himself who told me through his councillor, one
21 Mr. Plessen, that he had been instructed by von Ribben-
22 trop to inquire if I would not return to Japan by way
23 of Berlin. I answered him that I had already booked
24 my passage to New York on the Italian steamer Conte di
25 Savoia. If I had really wanted to see Ribbentrop, I

SHIRATORI

DIRECT

35,045

1 could, of course, have easily made a trip to Berlin
2 before my departure from Rome, without consulting Mr.
3 Mackensen at all. The statement contained in the same
4 exhibit, to the effect that I advised Ambassador OSHIMA
5 not to execute the instruction from Tokyo to lodge a
6 protest with the German Government over the German-
7 Soviet Non-Aggression Pact, requires some explanation.
8 I had suggested to Foreign Minister ARITA that the pro-
9 test should be presented by himself to Ambassador Ott
10 for transmission to Berlin, for I thought it would be
11 too cruel thus to make Mr. OSHIMA 'drink boiling water'
12 in addition to his great chagrin at the German-Soviet
13 rapprochement, which had materialized in spite of his
14 repeated predictions to the contrary. I telephoned
15 to Ambassador OSHIMA to suggest that he might wait
16 until Tokyo was further heard from. Besides that brief
17 telephone talk, there was no communication or exchange
18 of views between the Japanese Embassy at Berlin and
19 myself concerning the new situation that had arisen.
20 There is a mention of my name in IPS exhibit No. 507,
21 but, needless to say, I promised nobody, nor gave any-
22 one to understand, that I would cooperate with the
23 German Embassy in Tokyo along the line indicated in
24 that document. Whatever activities I may have engaged
25 myself in after coming home from Europe were entirely

1 of my own accord and in my own judgment. I had
2 absolutely no connections whatever either with the
3 German or the Italian Embassy in Tokyo. In some of my
4 lectures and interviews I tried to show that despite
5 the German-Soviet Non-Aggression Pact, the possibility
6 was still there for Japan to enter into agreement with
7 Germany and Italy, together with Soviet Russia this
8 time. Having been relieved of my assignment and placed
9 on the waiting list, I was at liberty to say things
10 which might not necessarily please the government, or
11 which might appear to run counter to its policy. For
12 one thing, I had to vindicate myself against censures
13 and criticisms poured forth upon me in some quarters
14 either for what I did or for what I failed to accomplish
15 while in Rome. But my main motive was the same then as
16 before; that is to say, to contribute in my own way
17 toward the speedy termination of the China war. In
18 order to have the Democracies alter their attitude
19 towards Japan, I judged it would be more effective to
20 remind them that Japan's isolation was not nearly
21 so complete as appeared on the surface, than to confess
22 weakness and openly court their sympathy and good will.
23 The advocacy of views like mine by a certain section
24 of the Japanese people could not, in my opinion, have
25 hampered the efforts of the government, but ought, on

the contrary, to have helped them along in effect.

1 "The sudden flaring up of public opinion in
2 Japan in favor of the Axis Powers, which occurred to-
3 wards the summer of 1940, was solely due to the lightning
4 successes of the German arms in the Western front and
5 was in no way to be attributed to the activities of
6 any individuals or groups in this country.

7 "8. The fall of the YONAI Cabinet was consi-
8 dered inevitable, in view of the altered general
9 atmosphere. It was succeeded by the 2nd KONOYE Cabinet
10 in July, 1940. As an ambassador on the waiting list,
11 with no political connections whatever, I had no know-
12 ledge at all about the circumstances attending this
13 cabinet change. It was generally believed, however,
14 that there would be a reorientation of diplomatic
15 policy at the hands of the new ministry. Having seen
16 very little of Prince KONOYE since my coming home from
17 Italy, I had no idea as to exactly what he was contem-
18 plating doing at the time. While his cabinet was form-
19 ing, some newspapers mentioned me as a possible Foreign
20 Minister, but I knew better, of course.

21 "When Mr. MATSUOKA became Foreign Minister,
22 he desired me to call on him. We had not met for more
23 than ten years before that. He told me that he intended
24 to effect a wholesale dismissal of senior diplomats
25

1 and suggested that I showed the way by resigning the
2 position of ambassador which I had held nominally
3 until then. By way of compensation he offered me ad-
4 visorship in the Foreign Office. He gave me to under-
5 stand that I was to be an adviser along with Mr. SAITO,
6 his intimate friend and confidant. He also told me
7 that it was Prince KONOYE's desire that my service
8 should be retained for the Foreign Office, as Vice-
9 Minister, but that he had another man in his mind for
10 that post. Not desiring to lend any colour to the idle
11 gossip current in some quarters, that I had been piqued
12 at KONOYE's choice of the members of his official family,
13 I accepted Mr. MATSUOKA's offer without hesitation,
14 with full knowledge of what it meant to be an adviser
15 under him and in such circumstances. By common,
16 though tacit, consent, my position was to be a sinecure
17 from the beginning. I was never consulted by the
18 Foreign Minister on any matter of policy. Moreover,
19 important documents and information concerning the car-
20 dinal policies of the government in foreign affairs
21 were being kept from me, as a most striking instance
22 of which I might mention IPS exhibit No. 541, a docu-
23 ment containing the basic policy of the government in
24 regard to the conclusion of the Tripartite Pact.
25

"It might have been supposed by some people

1 that my appointment as adviser was part of the program
2 of the government for the forthcoming rapprochement
3 with the Axis Powers, but in point of fact, Mr. MAT-
4 SUOKA seemed determined from the outset that no person,
5 not excepting Prince KONOYE himself, should share with
6 him either the blame or the credit for the new dip-
7 lomatic venture he was embarking upon. And it was
8 in the conduct of the negotiations with Messrs. Stahmer
9 and Ott for the Tripartite Pact that he was particu-
10 larly secretive or exclusive. He made it a point of
11 distinguishing this pact from that abortive attempt
12 of 1938-39, and refused to study documents or consult
13 persons that had anything to do with the previous
14 negotiations. In deference to that sentiment of his,
15 I carefully refrained from all attempts at butting in
16 at any stage of the whole affair. I was adviser for
17 only one month prior to the conclusion of the pact.
18 When I was first allowed to see the draft text of the
19 treaty, it was already in a finished form in the Eng-
20 lish language. I was never told by Mr. MATSUOKA or
21 anyone else as to the real meaning of the several
22 articles of the pact, nor did I learn if there was
23 any secret understanding concerning the document.
24 Until they were read or tendered in evidence before
25 this Tribunal, I was entirely ignorant of the existence

of so many annexes and exchanged notes bearing on the
1 Tripartite Pact.

2 "It is true that soon after the conclusion
3 of the treaty I was asked for an interview by the
4 Tokyo Asahi Shimbun (IPS exhibit 2234) and that I
5 also wrote a few articles on the subject, the original
6 Japanese text of the article cited in IPS exhibit 557-A
7 being one of them, but these represent nothing but my
8 own personal interpretation and argument, not in any
9 way based on official information or inspiration. I
10 am not conscious of ever having put forth any special
11 efforts to unite the nation behind the Axis Pact as
12 the prosecution contends (record page 16,919). So
13 unanimous was the acclamation accorded the pact in
14 Japan when it was published that any such efforts would
15 have been quite superfluous.

17 "In Mr. MATSUOKA's other diplomatic moves,
18 such as negotiations and agreements with French Indo-
19 China, Siam and the Dutch East Indies, etc., I was even
20 less concerned or interested than in the Tripartite
21 Agreement.

22 "Towards the end of March, 1941, soon after
23 Mr. MATSUOKA left for Europe, I contracted a serious
24 illness which was to render me unfit for any activities
25 for nearly twelve months, during the most crucial period

1 in the history of modern Japan. Since that time I did
2 not once put in an appearance in the Foreign Office,
3 nor did I ever see Mr. MATSUOKA again until we were
4 thrown together at Sugamo early in 1946. The prosecu-
5 tion's charge that together with MATSUOKA I advocated,
6 in July, 1941, Japan's participation in the German-
7 Soviet war (record page 9292; 10,157-58) is entirely
8 without foundation. Ever since my return home from
9 the hospital, early in May, 1941, I was living a
10 secluded life by the seaside for nearly a year. During
11 that time I never came up to Tokyo, nor did I receive
12 any visitors except a very few personal friends.

13 "It is a fact that the German Ambassador
14 called on me at my cottage in July, 1941. It was a
15 surprise visit and quite an informal one. I was still
16 in a very weakened condition mentally and physically.
17 I do not retain any clear recollection of that inter-
18 view, but it could never have been such as his cable
19 to Berlin (IPS exhibit No. 1113) would seem to suggest.
20 As to the other interview which General Ott alleges
21 to have had with me after that date (IPS exhibit No.
22 608), I cannot recall it at all. As the Ambassador
23 was at his seaside cottage only during the summer
24 months, it is altogether impossible for me to make out
25 how he could say that he had seen me in December,

1 1941, and discussed current questions with me, the more
2 so since I had a slight relapse about that time and was
3 more than ever out of touch with the outside world. I
4 venture to submit that these samples sufficiently show
5 the general character of the many telegraphic reports
6 of Ambassador Ott which the prosecution have produced
7 as evidence before this Tribunal. The testimony, more-
8 over, of Ott himself contained in defense document No.
9 1929 renders it almost unnecessary for me to try and
10 refute all and each of these telegrams. I was never
11 in occupation of positions of responsibility in the
12 Japanese Government at any period during Ambassador
13 Ott's sojourn in Japan. Therefore, there could not be
14 any question of official contact between us. Privately,
15 we were not on any especially friendly terms and it was
16 mostly on social occasions that we saw each other. The
17 prosecution alleges (record page 16,923) that I furnished
18 the Ambassador with important secrets of the Japanese
19 Government. I deny that emphatically. None of the
20 exhibits so far produced prove the accusation in any
21 manner whatsoever. Much of Ambassador Ott's information,
22 such as it was and false as it was, I am informed, came
23 from the confidential secretary of Prince KONOYE, one
24 OSAKI, Hidemi, who was later tried and executed. OZAKI
25 was a communist and associate of Serge, a German by

1 birth, but, as I am further informed, a Russian spy
2 who had worked his way as a newspaperman into the
3 confidence of General Ott. It seems that my name was
4 sometimes used merely to give credit to this sort of
5 information without my knowledge, as borne out in
6 General Ott's interrogatories.

7 "9. I was elected to Parliament in April,
8 1942, from my native province. As one of the so-called
9 'recommended' members of Parliament, I was almost
10 automatically made a member of the Imperial Rule
11 Assistance Political Society, and was also nominated
12 an ordinary director of that society. As, however, my
13 health was not yet quite normal and as parliamentary
14 life and internal politics were new to me, I was not
15 able or allowed to play any role to speak of either
16 in Parliament or out of it. I was soon relieved of
17 my seat on the directorate of the I. R. A. P. S. and in
18 the summer of 1943 I resigned from membership in the
19 Political Society itself. I seldom attended the
20 sessions of the Diet, nor did I serve on any of the
21 Parliamentary Committees.

22 "My connections with the government completely
23 ended when I resigned as Foreign Office Advisor in
24 July 1941, and I never held any official position again
25 until the end of the war. I had scarcely any friend in

SHIRATORI

CROSS

35,054

1 the government or in the army and navy, nor did I have
2 any special source of information concerning current
3 events and the real war situation. I was a perfectly
4 free and independent individual holding no brief for
5 any group or organization whatever.

6 "This 20th day of November 1947, at Tokyo,
7 Japan."

8 Signed, "SHIRATORI, Toshio."
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SHIRATORI

DIRECT
CROSS

35,055

1 If it please the Tribunal, I have just one
2 question that I would like to ask the witness at this
3 time.

4 Q Did you receive any direct communications
5 whatsoever from the then War Minister, General ITAGAKI,
6 during your tenure of office as Japanese Ambassador
7 to Italy?

8 A I have never received anything of the kind.

9 MR. CAUDLE: Take the witness.

10 ACTING PRESIDENT: Mr. Sandusky.

11 MR. SANDUSKY: May it please the Tribunal.

12 CROSS-EXAMINATION

13 BY MR. SANDUSKY:

14 Q Mr. SHIRATORI, do you feel that your state
15 of health and state of mind today permit you fully
16 to understand my questions?

17 A I hope so.

18 Q You were four years and a half Secretary of
19 the Embassy at Washington, the Capital of the United
20 States, and three and one-half years at China, in
21 Hong Kong and Peiping; is that correct?

22 A Well, I was stationed at Washington not quite
23 four years, but later I attended the Washington Con-
24 ference for about six months; and so I stated in my
25 affidavit four and one-half years.

1 Q You speak English and read it readily, do
2 you not?

3 A Not quite as readily as that.

4 Q As what, as Japanese, you mean?

5 A No, it does not approach just quite the
6 point which you suggested by using the word "readily."

7 Q Did you speak and write this language before
8 you became the Legation Secretary in the Embassy in
9 Washington?

10 A I progressed in my English knowledge and
11 ability, as a result of my studies at the university
12 and as a result of my year and a half's stay in Hong
13 Kong.

14 Q So you qualified for the diplomatic service
15 even before you were graduated from the Tokyo Imperial
16 University; is that right?

17 A I took the examination one year prior to my
18 graduation from the university and successfully passed
19 it.

20 Q Mr. SHIRATORI, you state in paragraph 2 of
21 your affidavit that in the decade and a half
22 between World War I and the Manchurian Affair of 1931
23 there was a period during which Japan pursued con-
24 sistently and scrupulously a policy of peace and
25 cooperation with foreign nations. After that time was

1 there a departure from such policy by Japan?

2 A In so far as Japan was concerned, there was
3 no desire on her part to depart from such a policy,
4 but unfortunately Japan's reputation among the powers
5 of the world became unfavorable, and as a result
6 diplomatic cooperation with the other countries did
7 not progress as desired. That I must recognize.

8 Q I assume from your statement that being a
9 faithful votary of Baron SHIDEHARA's policy that you
10 followed the SHIDEHARA diplomacy of conciliation. By
11 that are you intending to state that you opposed the
12 policy of Japan in invading Manchuria on 17 December
13 1931 -- 18 September 1931?

14 A I loyally and faithfully observed the policy
15 as laid down by the Foreign Minister of that time,
16 Baron SHIDEHARA, and inasmuch as Baron SHIDEHARA himself
17 has neither considered the Manchurian Incident as an
18 act of aggression nor opposed it, I can't say flatly
19 that I opposed it.

20 Q Is it not true that Baron SHIDEHARA left his
21 position shortly after that?

22 A The WAKATSUKI Cabinet resigned for internal
23 political reasons, and at the time of the cabinet's
24 resignation Baron SHIDEHARA, the Foreign Minister, also
25 resigned. However, before the Foreign Minister resigned

1 I heard from Baron SHIDEHARA, and I remember this very
2 well, and that is that he said that as far as diplomacy
3 itself was concerned there was no need to quit. And he
4 said this repeatedly to me.

5 Q Did he mean that there was no need for you
6 to leave your position as a follower of him?

7 A No, not so. Foreign Minister SHIDEHARA at
8 that time did not consider that diplomatic relations
9 as it pertained to the Manchurian Incident had become
10 difficult or impossible.

11 Q So that you felt free to continue on in the
12 Foreign Office under those circumstances; is that right?

13 A At that time I was nothing more than a bureau
14 director, and there was no relationship between the
15 resignation of the minister with the position of a
16 bureau chief, whether he should also resign or remain.

17 Q Further in the same paragraph on page 2, I
18 assume you concede that you were, and I quote, "admitted
19 into the inner councils of the Foreign Office" in 1929;
20 is that correct?

21 A By using the word "inner council" I was
22 referring to a conference attended by the Minister, the
23 Vice-Minister, and the director in charge of the problem.
24 What I am saying there is that I was permitted to attend
25 the meeting as the Director of the Information Bureau.

1 Q It is true, is it not, that as Chief of the
2 Information Bureau you were the man who explained to
3 the press, and through them to the world, the foreign
4 policy of Japan?

5 A I undertook to amplify and explain the
6 policy already decided upon and within the scope of
7 that policy.

8 Q In other words, you were interpreting the
9 announced policy for the press?

10 A Policies newly announced were released by
11 my department.

12 ACTING PRESIDENT: We will adjourn until
13 9:30 tomorrow morning.

14 (Whereupon, at 1600, an adjourn-
15 ment was taken until Thursday, 11 December
16 1947, at 0930.)
17

18 - - - -
19
20
21
22
23
24
25